

**HOUSE JOURNAL  
ADDENDUM  
58TH LEGISLATURE**

Helena, Montana  
2003

House Chambers  
State Capitol

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-eighth and eighty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

5/2/2003

Signed by the Speaker at 6:00 p.m., April 26, 2003: **HB 509, HB 536.**

Delivered to the Secretary of State at 9:06 a.m., April 28, 2003: **HB 277, HJR 31, HJR 37.**

Delivered to the Governor for approval at 11:20 a.m., April 28, 2003: **HB 509, HB 536.**

Delivered to the Governor for approval at 8:45 a.m., May 2, 2003: **HB 5, HB 11, HB 42, HB 218, HB 247, HB 363, HB 424, HB 452, HB 558, HB 559, HB 609, HB 693, HB 744, HB 775.**

**MESSAGES FROM THE SENATE**

April 29, 2003

Honorable Governor Judy Martz  
State Capitol  
Helena, Montana 59620

Re: House Bill 452 by Holly Raser, TAX CREDITS FOR CONTRIBUTIONS TO SERVICES FOR DEVELOPMENTAL DISABILITIES

Dear Governor Martz:

I regret to inform you that your amendatory veto on the above referenced bill, which was received by the Senate on Friday April 25, did not get on the Saturday agenda for 2nd and 3rd reading due to my error. I very much regret this mistake. Therefore these Governor Amendments were not adopted (or rejected) by the Senate.

In consultation with the Code Commissioner, there are two possible courses of action:

1. You can sign the bill without the amendment. He thinks possibly the Department of Revenue could handle the lack of clarity with administrative rule.
2. You could veto the bill because of the identified problems.

I have always lived in terror of doing something like this in the flurry of the final hours, but until now it had not happened. I am returning the enrolled bills for your consideration.

Sincerely,

Rosanna Skelton  
Secretary of the Senate

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**MESSAGES FROM THE GOVERNOR**

April 26, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 721** sponsored by Representative Erickson and **House Bill 748** sponsored by Representative Devlin et al. on April 26, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 29, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 283** sponsored by Representative Fuchs et al., **House Bill 722** sponsored by Representative E. Clark et al., **House Bill 743** sponsored by Representative E. Clark, and **House Bill 767** sponsored by Representative Brueggeman et al. on April 29, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 30, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

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Please be informed that I have signed **House Bill 259** sponsored by Representative Maedje and **House Bill 705** sponsored by Representative E. Clark on April 30, 2003.

Sincerely,

JUDY MARTZ  
Governor

May 5, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 489** sponsored by Representative Lehman, **House Bill 509** sponsored by Representative A. Olson et al., **House Bill 539** sponsored by Representative Brueggeman, **House Bill 564** sponsored by Representative Lindeen et al., **House Bill 608** sponsored by Representative Windy Boy et al., **House Bill 609** sponsored by Representative Windy Boy et al., **House Bill 642** sponsored by Representative Devlin et al., **House Bill 680** sponsored by Representative Noennig, **House Bill 689** sponsored by Representative A. Olson et al., **House Bill 693** sponsored by Representative Sinrud, **House Bill 720** sponsored by Representative Hurwitz et al., and **House Bill 727** sponsored by Representative E. Clark et al. on May 5, 2003.

Sincerely,

JUDY MARTZ  
Governor

May 5, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 13** sponsored by Representative Lewis, **House Bill 42** sponsored by Representative Barrett, **House Bill 56** sponsored by Representative B. Thomas, **House Bill 90** sponsored by Representative E. Clark, **House Bill 197** sponsored by Representative Becker, **House Bill 201** sponsored by Representative Jent, **House Bill 206** sponsored by Representative Younkin, **House Bill 211** sponsored by Representative Newman, **House Bill 218** sponsored by Representative Bookout-Reinicke, **House Bill 247** sponsored by Representative Harris, **House Bill 261** sponsored by Representative Haines, **House Bill 298** sponsored by Representative Younkin et al., **House Bill 403** sponsored by Representative Keane, and **House Bill**

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**744** sponsored by Representative E. Clark on May 5, 2003.

Sincerely,

JUDY MARTZ  
Governor

May 9, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 5** sponsored by Representative Kasten, **House Bill 11** sponsored by Representative Kasten, **House Bill 363** sponsored by Representative R. Brown, **House Bill 424** sponsored by Representative Jent, **House Bill 452** sponsored by Representative Raser, **House Bill 558** sponsored by Representative D. Brown et al., **House Bill 559** sponsored by Representative Gallus et al., and **House Bill 775** sponsored by Representative Laszloffy on May 9, 2003.

Sincerely,

JUDY MARTZ  
Governor

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIRST LEGISLATIVE DAY**

Helena, Montana  
January 6, 2003

House Chambers  
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 58th Legislature of the State of Montana was called to order by the Honorable Bob Brown, Secretary of State of the State of Montana.

Posting of the Colors by the Lodge Grass High School JROTC Mounted Color Guard under the leadership of Lieutenant Colonel (Ret) David H. Elder Jr. and the Pledge of Allegiance to the Flag followed.

Invocation by Dr. Robert Benson of the Faith Church in Condon and Holy Cross Lutheran Church in Seeley Lake.

Secretary Brown thanked the JROTC of Lodge Grass High School and Lieutenant Colonel Elder and asked for a round of applause.

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 58th Legislature. District No. 1, Carol Lambert, District No. 2, Ralph L. Lenhart, District No. 3, Ronald R. Devlin, District No. 4, Gary Matthews, District No. 5, Norma Bixby, District No. 6, Veronica Small-Eastman, District No. 7, Monica J. Lindeen, District No. 8, Alan Olson, District No. 9, Mark E. Noennig, District No. 10, Don Roberts, District No. 11, Kim Gillan, District No. 12, Clarice Schruppf, District No. 13, Sandy Weiss, District No. 14, Roy Brown, District No. 15, Daniel C. Fuchs, District No. 16, Gary L. Forrester, District No. 17, Gary Branae, District No. 18, Arlene Becker, District No. 19, Michael Lange, District No. 20, Carol Gibson, District No. 21, Penny (Armstrong) Morgan, District No. 22, Jeff Laszloffy, District No. 23, Joan Andersen, District No. 24, Jack Ross, District No. 25, Bruce Malcolm, District No. 26, Pat Wagman, District No. 27, Scott Sales, District No. 28, Cindy Younkin, District No. 29, Larry Jent, District No. 30, Christopher Harris, District No. 31, John Sinrud, District No. 32, Joe Balyeat, District No. 33, Diane Rice, District No. 34, Debby Barrett, District No. 35, Steve Gallus, District No. 36, Jim Keane, District No. 37, Larry Cyr, District No. 38, Brad Newman, District No. 39, Scott Mendenhall, District No. 40, Daniel S. Hurwitz, District No. 41, Brennan Ryan, District No. 42, Eve Franklin, District No. 43, Tim Callahan, District No. 44, George Golie, District No. 45, John Parker, District No. 46, Bill Wilson, District No. 47, Sue Dickenson, District No. 48, Kathleen Galvin-Halcro, District No. 49, Joe McKenney, District No. 50, Rick Ripley, District No. 51, Jill Cohenour, District No. 52, Dave Gallik, District No. 53, Christine Kaufmann, District No. 54, Hal Jacobson, District No. 55, Dave Lewis, District No. 56, Allen Rome, District No. 57, Jesse Laslovich, District No. 58, Doug Mood, District No. 59, Ron Stoker, District No. 60, Bob Lake, District No. 61, Jim Shockley, District No. 62, Ray Hawk, District No. 63, Dick Haines, District No. 64, Ron Erickson, District No. 65, Rosalie (Rosie) Buzzas, District No. 66, Gail Gutsche, District No. 67, Tom Facey, District No. 68, David E. Wanzonried, District No. 69, Nancy Rice Fritz, District No. 70, Holly Raser, District No. 71, Sylvia Bookout-Reinicke, District No. 72, Paul Clark, District No. 73, Joey Jayne, District No. 74, John Brueggeman, District No. 75, Stanley M. Fisher, District No. 76, Bernie Olson, District No. 77, Rod Bitney, District No. 78, Tim Dowell, District No. 79, Verdell Jackson, District No. 80, Bob Lawson, District No. 81, Rick Maedje, District No. 82, Eileen Carney, District No. 83, Dee L. Brown, District No. 84, George Everett, District No. 85, Carol C. Juneau, District No. 86, Norman Ballantyne, District No. 87, Larry R. Lehman, District No. 88, Edith J. Clark, District No. 89, John E. Witt, District No. 90, Bob Bergren, District No. 91, John L. Musgrove, District No. 92, Jonathan Windy Boy, District No. 93, Bill Thomas, District No. 94, Jim Peterson, District No. 95, Jeff Pattison, District No. 96, Karl A. Waitschies, District No. 97, Donald L. Hedges, District No. 98, Frank J. Smith, District No. 99, Dave Kasten, District No. 100, Donald Steinbeisser. All members present, except Representatives Rice Fritz and Smith, excused. Quorum present.

Bob Brown, Secretary of State of the State of Montana, extended greetings to the members on behalf of the State of Montana and then delivered the following speech:

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"You now have an honor and a responsibility few of our fellow citizens ever have the opportunity to experience. Public service -- serving the people -- is the most noble and necessary of services.

I began my involvement in public service 32 years ago as a 23-year-old freshman from Flathead County. I sat where my friend Representative Rod Bitney sits now. I was filled with awe at the magnificence of this chamber, probably the most historic room in the state of Montana. It was in this chamber that many of our state's most notable leaders began their public service. Senator Lee Metcalf once sat where Representative Paul Clark sits now. Governor Tim Babcock once sat where Representative Scott Mendenhall sits now. Congressman Pat Williams once sat where Representative Eileen Carney sits now. Chief Justice Jean Turnage sat where Representative Scott Sales sits now. Senator Max Baucus sat where Representative Gary Forrester sits now. Governor Hugo Aronson sat where Representative Dave Lewis sits now. Senator John Melcher sat where Representative Gary Mathews sits now. Congressman Denny Rehberg sat where Representative Don Roberts sits now. Congressman Wes D'Ewert sat where Representative Bernie Olson sits now. Governor Tom Judge sat where Representative Steve Gallus sits now. And Governor Ted Schwinden sat where Representative Carol Juneau sits now. I have no doubt that future great leaders of our state are present in this chamber today.

In that regard I know you will work very hard at the great task before you. Public service means serving the public. Doing so with fairness, wisdom, and insight has never been an easy job. It requires thoughtfulness, courage, a lot of patience, all while being tired.

Our system is government by the consent of the governed. The people of your districts conferred on you a great honor when they chose you to represent them in this great council chamber of the State of Montana. It is by their will that you are here. Never lose sight of them in your deliberations.

We are all proud of our principles and we are guided by them. But our Constitution requires that the people's business must be finished and the budget balanced in 90 legislative days.

That means there will be some victories and some defeats and many compromises in this room as this legislative session unfolds. All members here are entitled to their say. No members are entitled to their way.

Respect one another. Learn and listen respectfully, especially to those with whom you disagree. Work hard for your people and your principles. Be prepared. Be reasonable, use common sense. Be of good will.

Many generations of legislators have sat where you sit now. Most of them learned from and grew with their experience here. Most of them enjoyed this great process and adapted to it. So will you.

If I can be of service to you as one who spent over a quarter of a century serving in this chamber and in the other legislative chamber, I stand ready to do so. My door is always open to you and all are welcome.

I wish you well in your important work."

Secretary of State Brown introduced the Honorable Karla Gray, Chief Justice of the Supreme Court of Montana. Chief Justice Gray administered the following oath of office:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Brown informed the members of the House of Representatives that he had been advised that all oaths

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of office had been signed and received. These were presented to Chief Justice Gray for her acknowledgment and then filed in the Secretary of State's office.

Secretary of State Brown called for nominations for Speaker of the House of Representatives.

Representative R. Brown nominated Representative Doug Mood, District No. 58, be elected as Speaker of the House of Representatives for the 58th Legislature. Motion carried.

Representatives Clark & Pattison escorted Speaker Mood to the rostrum where he was formally introduced by Secretary of State Brown.

Speaker Mood introduced his family and then delivered his acceptance speech.

Representative R. Brown moved the following be nominated as officers of the House of Representatives for the 58th Legislature:

Speaker Pro Tempore - Representative Jeff Laszloffy  
Chief Clerk - Marilyn Miller  
Sergeant-at-Arms - Nancy Clark

The House officers were unanimously elected.

Chief Clerk Marilyn Miller announced that the caucuses have elected the following officials:

House Majority Leader - Representative Roy Brown  
House Minority Leader - Representative Dave Wanzenried  
House Majority Whips - Representative Cindy Younkin and Representative John Brueggeman  
House Minority Whips - Representative Monica Lindeen and Representative Tim Dowell  
House Minority Caucus Leader - Carol Juneau

House Minority Leader Dave Wanzenried addressed the house and presented the Speaker with a gift.

Representative R. Brown moved that the rules of the 57th Legislature be adopted as the temporary House operating rules of the 58th Legislature. Motion carried.

Representative R. Brown moved that the Joint rules of the 57th Legislature be adopted as the temporary House operating rules of the 58th Legislature. Motion carried.

Representative R. Brown moved that the Speaker appoint a committee of four members to notify the Governor that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Bill Thomas, Chairman, Lange, Windy Boy, and Small-Eastman.

Representative R. Brown moved that the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Fisher, Chairman, Haines, Weiss, and Cohenour.

Representative R. Brown moved that the Speaker appoint a committee of four members to notify the Supreme Court,

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by letter, that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Noennig, Chairman, D. Brown, Parker, and Gibson.

The committees were discharged from the chamber.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

**REPORTS OF SELECT COMMITTEES**

A committee from the Senate composed of Senators Curtiss and Stonington was admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Senate that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 1**, introduced by Lewis (by request of the Legislative Council), referred to Appropriations.

**HB 2**, introduced by Lewis (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 3**, introduced by Brueggeman (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 4**, introduced by Brueggeman (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 5**, introduced by Kasten (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Appropriations.

**HB 6**, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

**HB 7**, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

**HB 8**, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

**HB 9**, introduced by Kasten (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 10**, introduced by Maedje (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Natural Resources.

**HB 11**, introduced by Kasten (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Appropriations.

**HB 12**, introduced by Kasten (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Federal Relations, Energy, and Telecommunications.

**HB 13**, introduced by Lewis (by request of the Department of Administration and the Office of Budget and Program



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Planning), referred to State Administration.

**HB 14**, introduced by Shockley, referred to Judiciary.

**HB 15**, introduced by Newman (by request of the Department of Justice), referred to Judiciary.

**HB 16**, introduced by Haines (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 17**, introduced by Newman (by request of the Attorney General), referred to Judiciary.

**HB 18**, introduced by Shockley (by request of the Supreme Court), referred to Judiciary.

**HB 19**, introduced by Kasten, referred to Appropriations.

**HB 20**, introduced by Golie, referred to Fish, Wildlife and Parks.

**HB 21**, introduced by Smith, referred to State Administration.

**HB 22**, introduced by Kaufmann (by request of the Department of Transportation), referred to Transportation.

**HB 23**, introduced by Matthews, referred to Education.

**HB 24**, introduced by Branae (by request of the Education and Local Government Interim Committee), referred to Education.

**HB 25**, introduced by Galvin-Halcro, referred to State Administration.

**HB 26**, introduced by Juneau (by request of the State-Tribal Relations Committee), referred to Judiciary.

**HB 27**, introduced by Bixby (by request of the State-Tribal Relations Committee), referred to Federal Relations, Energy, and Telecommunications.

**HB 28**, introduced by Bixby (by request of the State-Tribal Relations Committee), referred to Education.

**HB 29**, introduced by A. Olson, referred to Judiciary.

**HB 30**, introduced by Hurwitz (by request of the Department of Transportation), referred to Transportation.

**HB 31**, introduced by Waitschies, Devlin, Zook (by request of the Department of Agriculture), referred to Agriculture.

**HB 32**, introduced by Golie, referred to Fish, Wildlife and Parks.

**HB 33**, introduced by Golie, referred to Business and Labor.

**HB 34**, introduced by Jacobson (by request of the Department of Administration), referred to State Administration.

**HB 35**, introduced by Jacobson (by request of the Department of Military Affairs), referred to State Administration.

**HB 36**, introduced by Lawson (by request of the Department of Administration), referred to Business and Labor.

**HB 37**, introduced by Sinrud, referred to State Administration.

**HB 38**, introduced by A. Olson, referred to State Administration.

**HB 39**, introduced by Gallik (by request of the Department of Military Affairs), referred to State Administration.

**HB 40**, introduced by Newman (by request of the Department of Justice), referred to Judiciary.

**HB 41**, introduced by Noennig (by request of the Legislative Council), referred to State Administration.

**HB 42**, introduced by Barrett, referred to Fish, Wildlife and Parks.

**HB 43**, introduced by Cohenour (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 44**, introduced by Smith, referred to State Administration.

**HB 45**, introduced by Lawson, (by request of the Department of Administration), referred to Business and Labor.

**HB 46**, introduced by Haines (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 47**, introduced by P. Clark, referred to Agriculture.

**HB 48**, introduced by Newman (by request of the Department of Justice), referred to Judiciary.

**HB 49**, introduced by Haines (by request of the Department of Public Health and Human Services), referred to Business and Labor.

**HB 50**, introduced by Haines (by request of the Department of Public Health and Human Services), referred to Business and Labor.

**HB 51**, introduced by E. Clark (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 52**, introduced by Newman, referred to Judiciary.

**HB 53**, introduced by Newman, referred to Judiciary.

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**HB 54**, introduced by Newman, referred to Judiciary.

**HB 55**, introduced by Facey (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 56**, introduced by B. Thomas (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 57**, introduced by Jacobson (by request of the Department of Justice), referred to Judiciary.

**HB 58**, introduced by Erickson (by request of the Department of Revenue), referred to Taxation.

**HB 59**, introduced by Erickson (by request of the Department of Revenue), referred to Taxation.

**HB 60**, introduced by McKenney (by request of the Board of Public Education), referred to Education.

**HB 61**, introduced by Laslovich, referred to Judiciary.

**HB 62**, introduced by Lehman (by request of the Department of Agriculture), referred to Agriculture.

**HB 63**, introduced by Kasten, referred to State Administration.

**HB 64**, introduced by Fisher (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 65**, introduced by Matthews (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 66**, introduced by Harris (by request of the Department of Justice), referred to Judiciary.

**HB 67**, introduced by Kaufmann (by request of the Department of Transportation), referred to Transportation.

**HB 68**, introduced by Kaufmann (by request of the Department of Transportation), referred to Transportation.

**HB 69**, introduced by Smith (by request of the Secretary of State), referred to State Administration.

**HB 70**, introduced by Parker (by request of the Department of Justice), referred to Judiciary.

**HB 71**, introduced by Waitschies (by request of the Department of Transportation), referred to Transportation.

**HB 72**, introduced by Mendenhall (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 73**, introduced by Raser (by request of the Office of Public Instruction), referred to Education.

**HB 74**, introduced by Lewis (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 75**, introduced by Lake, Devlin, Lehman, Lindeen, Nelson, Pattison, Rice, Story, B. Thomas, Witt (by request of the Department of Agriculture), referred to Agriculture.

**HB 76**, introduced by McKenney (by request of the Department of Commerce), referred to Business and Labor.

**HB 77**, introduced by Jent (by request of the Department of Justice), referred to Judiciary.

**HB 78**, introduced by Branae (by request of the Office of Public Instruction), referred to Education.

**HB 79**, introduced by Jackson, referred to Business and Labor.

**HB 80**, introduced by Jackson, referred to Transportation.

**HB 81**, introduced by Jackson, referred to Judiciary.

**HB 82**, introduced by Facey, Ellingson, Elliott, referred to Taxation.

**HB 83**, introduced by Peterson (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 84**, introduced by Newman (by request of the Department of Justice), referred to Judiciary.

**HB 85**, introduced by Wanzenried, referred to Natural Resources.

**HB 86**, introduced by Harris, referred to Taxation.

**HB 87**, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 88**, introduced by Kasten (by request of the Legislative Finance Committee), referred to Taxation.

**HB 89**, introduced by A. Olson (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 90**, introduced by E. Clark (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 91**, introduced by Facey, referred to State Administration.

**HB 92**, introduced by Lawson, referred to Judiciary.

**HB 93**, introduced by Lawson, referred to Transportation.

**HB 94**, introduced by Lawson, referred to State Administration.

**HB 95**, introduced by Lawson, referred to Judiciary.

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**HB 96**, introduced by Devlin (by request of the Office of Budget and Program Planning), referred to Federal Relations, Energy, and Telecommunications.

**HB 97**, introduced by Jent (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 98**, introduced by McKenney (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 99**, introduced by Golie (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 100**, introduced by Jent (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 101**, introduced by Jent (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 102**, introduced by Cohenour (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 103**, introduced by Jacobson (by request of the Office of Public Instruction), referred to Education.

**HB 104**, introduced by Bergren (by request of the State Auditor), referred to Business and Labor.

**HB 105**, introduced by B. Olson (by request of the Department of Transportation), referred to Transportation.

**HB 106**, introduced by Erickson (by request of the Department of Revenue), referred to Taxation.

**HB 107**, introduced by A. Olson (by request of the Governor), referred to Education.

**HB 108**, introduced by A. Olson, referred to State Administration.

**HB 109**, introduced by Harris, referred to State Administration.

**HB 110**, introduced by Lange, referred to Business and Labor.

**HB 111**, introduced by D. Brown, referred to State Administration.

**HB 112**, introduced by Pattison (by request of the Department of Transportation), referred to Transportation.

**HB 113**, introduced by Devlin (by request of the Office of Budget and Program Planning), referred to Natural Resources.

**HB 114**, introduced by Jent, Toole (by request of the Capitol Complex Advisory Council), referred to State Administration.

**HB 115**, introduced by Bookout-Reinicke (by request of the Department of Military Affairs), referred to State Administration.

**HB 116**, introduced by Kaufmann (by request of the Department of Justice), referred to Judiciary.

**HB 117**, introduced by Kaufmann (by request of the Department of Revenue), referred to Business and Labor.

**HB 118**, introduced by Lenhart (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 119**, introduced by Lenhart (by request of the Department of Administration), referred to Business and Labor.

**HB 120**, introduced by Lenhart (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 121**, introduced by E. Clark (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 122**, introduced by Forrester (by request of the Department of Justice), referred to Business and Labor.

**HB 123**, introduced by P. Clark (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 124**, introduced by A. Olson, referred to Judiciary.

**HB 125**, introduced by Lambert, referred to Taxation.

**HB 126**, introduced by Fritz (by request of the Department of Administration), referred to Business and Labor.

**HB 127**, introduced by Fritz (by request of the Department of Administration), referred to Business and Labor.

**HB 128**, introduced by Rice, Devlin, referred to Agriculture.

**HB 129**, introduced by Gutsche (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

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**HB 130**, introduced by Lewis (by request of the State Auditor), referred to Business and Labor.

**HB 131**, introduced by Bixby, referred to Federal Relations, Energy, and Telecommunications.

**HB 132**, introduced by Musgrove, referred to Local Government.

**HB 133**, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 134**, introduced by Weiss (by request of the Department of Corrections), referred to Judiciary.

**HB 135**, introduced by Andersen, referred to Education.

**HB 136**, introduced by Fisher (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 137**, introduced by Lange (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 138**, introduced by Lewis, referred to State Administration.

**HB 139**, introduced by Harris, referred to Transportation.

**HB 140**, introduced by Harris, referred to Judiciary.

**HB 141**, introduced by Lange, referred to Judiciary.

**HB 142**, introduced by Devlin, referred to Local Government.

**HB 143**, introduced by Lambert (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 144**, introduced by Harris (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 145**, introduced by McKenney (by request of the State Auditor), referred to Business and Labor.

**HB 146**, introduced by Smith, referred to Local Government.

**HB 147**, introduced by Lawson, referred to Local Government.

**HB 148**, introduced by Smith, referred to Taxation.

**HB 149**, introduced by Hedges, referred to Judiciary.

**HB 150**, introduced by Lawson (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

**HB 151**, introduced by B. Olson (by request of the Secretary of State), referred to State Administration.

**HB 152**, introduced by Fisher (by request of the Office of Budget and Program Planning), referred to Local Government.

**HB 153**, introduced by Ballantyne (by request of the Office of Public Instruction), referred to Education.

**HB 154**, introduced by Lenhart (by request of the Teachers' Retirement Board), referred to State Administration.

**HB 155**, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 156**, introduced by Matthews, referred to Judiciary.

**HB 157**, introduced by Haines (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 158**, introduced by Haines (by request of the Department of Public Health and Human Services), referred to Appropriations.

**HB 159**, introduced by Haines (by request of the Department of Public Health and Human Services), referred to Business and Labor.

**HB 160**, introduced by Haines (by request of the Department of Justice and the Governor), referred to Appropriations.

**HB 161**, introduced by Matthews (by request of the Department of Corrections), referred to Judiciary.

**HB 162**, introduced by Callahan (by request of the Department of Justice), referred to Business and Labor.

**HB 163**, introduced by Callahan, referred to Business and Labor.

**HB 164**, introduced by Callahan, referred to State Administration.

**HB 165**, introduced by Lake (by request of the Department of Administration), referred to Business and Labor.

**HB 166**, introduced by Wanzenried (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 167**, introduced by Schrupf (by request of the Secretary of State), referred to State Administration.

**HB 168**, introduced by Callahan (by request of the Public Service Commission), referred to Federal Relations, Energy,

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and Telecommunications.

**HB 169**, introduced by Keane (by request of the State Auditor), referred to Business and Labor.

**HB 170**, introduced by Parker (by request of the Department of Justice), referred to Judiciary.

**HB 171**, introduced by Parker (by request of the Department of Justice), referred to Judiciary.

**HB 172**, introduced by Gallik (by request of the Department of Administration), referred to Business and Labor.

**HB 173**, introduced by Haines (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 174**, introduced by B. Thomas (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 175**, introduced by P. Clark (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 176**, introduced by Pattison (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Natural Resources.

**HB 177**, introduced by Balyeat (by request of the Office of Budget and Program Planning), referred to Taxation.

**HB 178**, introduced by Fritz, referred to State Administration.

**HB 179**, introduced by Matthews (by request of the State Auditor), referred to Business and Labor.

**HB 180**, introduced by E. Clark (by request of the Legislative Finance Committee), referred to Human Services.

**HB 181**, introduced by B. Thomas, referred to Agriculture.

**HB 182**, introduced by Rome (by request of the Department of Commerce), referred to Business and Labor.

**HB 183**, introduced by Steinbeisser (by request of the State Auditor), referred to Business and Labor.

**HB 184**, introduced by Wilson (by request of the State Auditor), referred to Business and Labor.

**HB 185**, introduced by Wilson (by request of the Department of Justice), referred to Transportation.

**HB 186**, introduced by Matthews (by request of the Department of Justice), referred to Judiciary.

**HB 187**, introduced by Gallus (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 188**, introduced by Devlin (by request of the Department of Revenue), referred to Taxation.

**HB 189**, introduced by Pattison (by request of the Department of Transportation), referred to Transportation.

**HB 190**, introduced by Younkin, (by request of the Secretary of State), referred to State Administration.

**HB 191**, introduced by Devlin (by request of the Office of Budget and Program Planning), referred to Human Services.

**HB 192**, introduced by Wanzenried, referred to Federal Relations, Energy, and Telecommunications.

**HB 193**, introduced by Branae (by request of the Office of Public Instruction), referred to Education.

**HB 194**, introduced by Barrett (by request of the Secretary of State), referred to Business and Labor.

**HB 195**, introduced by Younkin (by request of the Department of Transportation), referred to Judiciary.

**HB 196**, introduced by Fisher (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 197**, introduced by Becker (by request of the Department of Justice), referred to Judiciary.

**HB 198**, introduced by Lambert, referred to State Administration.

**HB 199**, introduced by Harris (by request of the Department of Justice), referred to Judiciary.

**HB 200**, introduced by Harris (by request of the Department of Justice), referred to Judiciary.

**HB 201**, introduced by Jent (by request of the Secretary of State), referred to State Administration.

**HB 202**, introduced by Harris (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 203**, introduced by A. Olson (by request of the Secretary of State), referred to State Administration.

**HB 204**, introduced by Lawson (by request of the State Auditor), referred to Taxation.

**HB 205**, introduced by Franklin (by request of the State Auditor), referred to Business and Labor.

**HB 206**, introduced by Younkin (by request of the Department of Justice), referred to State Administration.

**HB 207**, introduced by Laslovich (by request of the Department of Revenue), referred to Taxation.

**HB 208**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 209**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 210**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 211**, introduced by Newman (by request of the Department of Corrections), referred to Judiciary.

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**HB 212**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 213**, introduced by Gallik (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 214**, introduced by Shockley (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 215**, introduced by Brueggeman (by request of the Department of Justice), referred to Transportation.

**HB 216**, introduced by McKenney (by request of the Economic Affairs Interim Committee), referred to Business and Labor.

**HB 217**, introduced by Brueggeman (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 218**, introduced by Bookout-Reinicke (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Natural Resources.

**HB 219**, introduced by Brueggeman (by request of the Department of Revenue and the Office of Budget and Program Planning), referred to Local Government.

**HB 220**, introduced by Laszloffy (by request of the Department of Corrections), referred to Judiciary.

**HB 221**, introduced by Kaufmann, referred to Fish, Wildlife and Parks.

**HB 222**, introduced by Parker (by request of the Department of Corrections), referred to Judiciary.

**HB 223**, introduced by Lawson, Cooney (by request of the Board of Land Commissioners and the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 224**, introduced by Shockley (by request of the Supreme Court), referred to Judiciary.

**HB 225**, introduced by Laslovich, referred to Appropriations.

**HB 226**, introduced by Gillan, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 1**, introduced by Harris, referred to Judiciary.

**HJR 2**, introduced by Devlin (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**HJR 3**, introduced by Lawson (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

The following House resolution was introduced, read first time, and referred to committee:

**HR 1**, introduced by R. Brown (by request of the House Rules Standing Committee), referred to Rules.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, January 7, 2003. Motion carried.

House adjourned at 1:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
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SECOND LEGISLATIVE DAY**

Helena, Montana  
January 7, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Cyr, Fritz, and Maedje, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Kristen Olson, Roundup  
Abby Rath, Roundup  
George Real Bird, Lodge Grass  
Ben Sloan, Stanford  
Marissa Stockton, Helena

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 227**, introduced by D. Brown, referred to Fish, Wildlife and Parks.  
**HB 228**, introduced by Lange, referred to Taxation.  
**HB 229**, introduced by B. Olson, referred to Local Government.  
**HB 230**, introduced by Erickson, referred to Business and Labor.  
**HB 231**, introduced by Waitschies, referred to Taxation.  
**HB 232**, introduced by Devlin, referred to Local Government.  
**HB 233**, introduced by Waitschies, referred to Natural Resources.  
**HB 234**, introduced by Cohenour, referred to Judiciary.  
**HB 235**, introduced by Cohenour, referred to State Administration.  
**HB 236**, introduced by Erickson, referred to Appropriations.  
**HB 237**, introduced by Brueggeman, Wanzenried, referred to Transportation.  
**HB 238**, introduced by Andersen, referred to Local Government.  
**HB 239**, introduced by Facey, Cobb, referred to Taxation.  
**HB 240**, introduced by Shockley, referred to Judiciary.  
**HB 241**, introduced by Shockley, referred to Fish, Wildlife and Parks.  
**HB 242**, introduced by Harris, referred to Judiciary.  
**HB 243**, introduced by Harris, referred to Judiciary.  
**HB 244**, introduced by Harris, referred to Education.  
**HB 245**, introduced by Harris, referred to Transportation.  
**HB 246**, introduced by Harris, referred to Judiciary.  
**HB 247**, introduced by Harris, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 4**, introduced by Lange, referred to Natural Resources.

**MOTIONS**

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Representative Wanzenried moved that the Legislative Fiscal Division obtain from the Office of Budget and Program Planning the lists from agencies generated during the executive budgeting process regarding priorities for program reductions and eliminations; and that information be printed and distributed to members of the legislature and the public prior to the initial meetings of the appropriation sub-committee. Motion failed.

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 51

Excused: Cyr, Fritz, Maedje.  
Total 3

Absent or not voting: None.  
Total 0

Representative R. Brown moved **HB 219** be taken from the Committee on Local Government and rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 12** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 177** be taken from the Committee on Taxation and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsor has been added to **HB 135**: Representative A. Olson.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, January 8, 2003. Motion carried.

House adjourned at 2:45 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRD LEGISLATIVE DAY**

Helena, Montana  
January 8, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Lange. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Wilson and Younkin, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 49**, introduced bill, be amended as follows:

1/8/2003

1. Title, line 6.

**Strike:** "DEFINITIONS"

**Insert:** "DEFINITION"

2. Title, line 7.

**Strike:** ""PUBLIC BATHING PLACE" AND"

3. Title, line 11.

**Following:** "PLACES;"

**Insert:** "PROVIDING FOR COOPERATIVE AGREEMENTS BETWEEN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND OTHER AGENCIES THAT OPERATE SWIMMING POOLS OR PUBLIC BATHING PLACES;"

4. Title, line 11.

**Following:** "50-53-107,"

**Strike:** "AND"

5. Title, line 12.

**Following:** "50-53-201,"

**Insert:** "AND 50-53-209,"

6. Page 1, line 24.

**Strike:** ", such as a pond, lake, or reservoir."

7. Page 3, following line 2.

**Insert:** "Section 4. Section 50-53-209, MCA, is amended to read:

**"50-53-209. Cooperative agreements -- inspections.** (1) The department may enter into cooperative agreements with local boards of health to authorize those boards to act as agents of the department and to conduct inspections of and enforce applicable statutes and department rules relating to public swimming pools and public bathing places within the jurisdictions of the respective boards.

(2) The department or a local board of health, pursuant to a cooperative agreement, shall annually conduct:

(a) at least one full facility inspection and one critical point inspection of each public swimming pool or public bathing place operated throughout the year; and

(b) at least one full facility inspection of each seasonal public swimming pool or public bathing place.

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(3) The department shall enter into cooperative agreements with the department of fish, wildlife, and parks and other state agencies that operate public swimming pools or public bathing places to address the enforcement of this chapter and rules adopted under this chapter."

And, as amended, do pass. Report adopted.

**RULES** (Brown, Chairman):

1/7/2003

**HJR 1**, introduced joint resolution, be amended as follows:

1. Page 25, line 3.

**Following:** line 2

**Insert:** "(5) Absentee voting is not allowed on third reading."

And, as amended, be adopted. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 248**, introduced by Balyeat, Anderson, Bales, Barkus, P. Clark, Curtiss, Forrester, Fuchs, Golie, Jent, Laible, Laslovich, Lange, Lawson, Maedje, Mahlum, McGee, Mood, Pattison, Perry, Shea, Sinrud, Sprague, Story, Tropila, Wagman, Younkin, referred to Fish, Wildlife and Parks.

**HB 249**, introduced by Barrett, referred to Local Government.

**HB 250**, introduced by Morgan, referred to Transportation.

**HB 251**, introduced by Balyeat, Weiss, referred to State Administration.

**HB 252**, introduced by Hedges, referred to State Administration.

**HB 253**, introduced by Hedges, referred to State Administration.

**HB 254**, introduced by Hedges, referred to Fish, Wildlife and Parks.

**HB 255**, introduced by Cohenour, referred to Judiciary.

**HB 256**, introduced by Shockley, referred to Judiciary.

**HB 257**, introduced by Haines, referred to Natural Resources.

**HB 258**, introduced by Maedje, referred to Local Government.

**HB 259**, introduced by Maedje, referred to Transportation.

**HB 260**, introduced by Haines, referred to Human Services.

**HB 261**, introduced by Haines, referred to Appropriations.

**HB 262**, introduced by Fuchs, Balyeat, Gallus, Shockley, referred to Fish, Wildlife and Parks.

**HB 263**, introduced by Fuchs, referred to Appropriations.

**HJR 5**, introduced by Lewis, Cohenour, Gallik, Jacobson, referred to Education.

**HJR 6**, introduced by D. Brown, referred to Education.

**HB 248**, introduced by Balyeat, Anderson, Barkus, P. Clark, Curtiss, Forrester, Fuchs, Golie, Jent, Lawson, Mood, Pattison, Shea, Sinrud, Sprague, Tropila, Wagman, Younkin, referred to Fish, Wildlife and Parks.

**MOTIONS**

Representative R. Brown moved **HB 194** be taken from the Committee on Business and Labor and be rereferred to the Committee on State Administration. There being no objection, so ordered.

**ANNOUNCEMENTS**

HOUSE JOURNAL  
THIRD LEGISLATIVE DAY - JANUARY 8, 2003

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, January 9, 2003. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 9, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Larry Lehman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/8/2003  
Correctly engrossed: **HB 49, HR 1**.  
Delivered to the Secretary of State at 2:00 p.m., January 13, 2003: **HJR 1**.

**APPROPRIATIONS** (Lewis, Chairman): 1/9/2003  
**HB 16**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/9/2003  
**HB 36**, do pass. Report adopted.  
**HB 50**, do pass. Report adopted.  
**HB 65**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "DENTISTRY"

**Strike:** ", "

**Insert:** "AND"

**Following:** "HYGIENE"

**Strike:** ", AND"

2. Title, line 6.

**Strike:** "DENTURITRY"

3. Title, lines 12 through 14.

**Strike:** "PROVIDING" on line 12 through "CHARGE;" on line 14

4. Title, line 14.

**Following:** "DENTISTS"

**Strike:** ", "

**Insert:** "AND"

**Following:** "HYGIENISTS"

**Strike:** ", AND"

5. Title, line 15.

**Strike:** "DENTURISTS"

6. Title, line 17.

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**Following:** "DENTISTS"

**Strike:** ", "

**Insert:** "AND"

**Following:** "HYGIENISTS"

**Strike:** ", AND DENTURISTS"

7. Page 3, line 15.

**Following:** "hygienist"

**Strike:** "whose license has been lapsed for 5 years or less"

8. Page 3, line 17.

**Following:** "areas."

**Insert:** "An applicant for licensure under this subsection (1) may be required by the board to establish that the applicant is competent to practice before the board grants the applicant a license."

9. Page 3, line 27 through page 4, line 14.

**Strike:** section 3 and section 4 in their entirety

**Renumber:** subsequent sections

10. Page 4, line 16.

**Strike:** "(1)"

11. Page 4, lines 18 and 19.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 117**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

1/8/2003

**HB 21**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 264**, introduced by Gibson, referred to Local Government.

**HB 265**, introduced by Roberts, referred to Business and Labor.

**HB 266**, introduced by Jacobson, Gallus, Galvin-Halcro, Glaser, Golie, Laslovich, Parker, B. Ryan, Story, Wilson, referred to Federal Relations, Energy, and Telecommunications.

**HB 267**, introduced by Galvin-Halcro, referred to Taxation.

**HB 268**, introduced by Erickson, referred to Taxation.

**HB 269**, introduced by Bergren, Matthews, referred to State Administration.

**HB 270**, introduced by Bergren, referred to Transportation.

**HB 271**, introduced by Gallik, referred to Business and Labor.

**HB 272**, introduced by Gillan, Buzzas, Forrester, Harrington, Jent, Lenhart, Mahlum, Smith, referred to Local Government.

**HB 273**, introduced by Gillan, Branae, Buzzas, Forrester, Franklin, Harrington, Lenhart, Smith, referred to Appropriations.

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**HB 274**, introduced by Juneau, Bixby, referred to Education.

**HB 275**, introduced by Facey, Bookout-Reinicke, Erickson, referred to Taxation.

**HB 276**, introduced by Lindeen, referred to Appropriations.

**HB 277**, introduced by Lindeen, Barkus, Branae, R. Brown, Buzzas, Cocchiarella, Esp, Fisher, Gebhardt, Gibson, Haines, Hedges, Laible, Matthews, McCarthy, Mood, Nelson, Pattison, D. Ryan, Shea, Smith, referred to State Administration.

**HB 278**, introduced by Witt, Brueggeman, E. Clark, Devlin, Hedges, Nelson, Peterson, Tash, referred to Agriculture.

**HB 279**, introduced by Becker, referred to Human Services.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 7**, introduced by Barrett, Bales, Maedje, B. Olson, referred to Natural Resources.

**HJR 8**, introduced by Juneau, Bixby, Smith, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the chair. All members present, except Representatives Fisher, Hedges, Windy Boy excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 49** - Representative Haines moved **HB 49** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Barrett, Kasten, Pattison, Ripley, Sales.

Total 5

Voted Absentee: Fisher, Hedges, Ayes.

Excused: None.

Total 0

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Absent or not voting: Brueggeman, Dickenson, Windy Boy.  
Total 3

Representative Malcolm excused at this time.

**HR 1** - Representative R. Brown moved **HR 1** be adopted.

Representative Jent moved **HR 1**, second reading copy, be amended as follows :

1. Page 25, line 3.

**Strike:** subsection (5) in its entirety

Amendment **not** adopted as follows:

Ayes: Andersen, Ballantyne, Bitney, Bookout-Reinicke, D. Brown, Callahan, E. Clark, Cyr, Dowell, Erickson, Facey, Forrester, Haines, Jackson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Pattison, Peterson, Rice, Roberts, Rome, Schrupf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 47

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Carney, P. Clark, Cohenour, Devlin, Dickenson, Everett, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jacobson, Kaufmann, Keane, Lange, Lawson, Lewis, Lindeen, Mendenhall, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Ryan, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson.  
Total 50

Voted Absentee: Windy Boy, Aye.

Excused: Fisher, Hedges.  
Total 2

Absent or not voting: Malcolm.  
Total 1

Representative Harris moved **HR 1**, second reading copy, be amended as follows :

1. Page 1, line 28 through page 2, line 3.

**Following:** "remove the" on page 1, line 28

**Insert:** "majority party"

**Following:** "committees" on page 1, line 28

**Strike:** remainder of line 28 through "rule" on page 1, line 29

**Insert:** ", including conference committees"

**Following:** "." on page 1, line 29

**Strike:** remainder of line 29 through "." on page 2, line 3

**Insert:** "The minority leader shall appoint and may remove the minority party members of all standing and select committees, including conference committees."

Amendment **not** adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Windy Boy, Aye.

Excused: Fisher, Hedges.

Total 2

Absent or not voting: Malcolm.

Total 1

Representative Harris moved **HR 1**, second reading copy, be amended as follows :

1. Page 2, line 3.

**Following:** " ."

**Insert:** " The membership of committees must reflect the percentage of each party's membership in the House. When the Speaker determines the classification of a committee, then all committees with that classification must have the same party division."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Windy Boy, Aye; Malcolm, No.

Excused: Fisher, Hedges.

Total 2



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Absent or not voting: None.  
Total 0

Representative Kaufmann moved **HR 1**, second reading copy, be amended as follows :

1. Page 22, line 1.

**Strike:** "(a)"

**Strike:** "Except as provided in subsection (3)(b), no"

**Insert:** "No"

2. Page 22, line 3.

**Strike:** subsection (b) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Voted Absentee: Windy Boy, Aye; Fisher, Hedges, Malcolm, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HR 1** be adopted carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Carney, Cohenour, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gibson, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Smith, Windy Boy.

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Total 17

Voted Absentee: Fisher, Hedges, Malcolm, Ayes; Windy Boy, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Erickson, Facey, Fritz, Galvin-Halcro, Jacobson, Jayne, Jent, Juneau, Kaufmann, Small-Eastman, Smith.

Total 11

Excused: Fisher, Hedges.

Total 2

Absent or not voting: Laszloffy, Malcolm, A. Olson, Windy Boy.

Total 4

**MOTIONS**

Representative R. Brown moved **HB 247** be taken from the Committee on Local Government and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved that a **Joint Select Committee on Redistricting** be appointed.

Representative Facey moved to table the motion. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy,

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Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Malcolm, Windy Boy.

Total 2

Motion to appoint a **Joint Select Committee on Redistricting** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Excused: None.

Total 0

Absent or not voting: Malcolm, Windy Boy.

Total 2

Mr. Speaker appointed the following committee:

Barrett, Chair

Lange

Jayne

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 52**: Bohlinger and Erickson.

The following cosponsors were added to **HB 107**: Andersen, Cocchiarella, Devlin, Forrester, Fuchs, Galvin-Halcro, Gillan, Hurwitz, Keane, Kitzenberg, Lawson, Lehman, Lenhart, Mangan, McCarthy, Parker, Ripley, Ross, Ryan, Shea, Steinbeisser, Toole, Wheat, and Witt.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, January 10, 2003. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Carol Lambert. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Sinrud, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/10/2003  
Correctly printed: **HB 16, HB 21, HB 36, HB 50, HB 117.**  
Correctly engrossed: **HB 65.**

**STATE ADMINISTRATION** (Barrett, Chairman): 1/9/2003  
**HB 39**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 280**, introduced by Wanzenried, referred to Transportation.  
**HB 281**, introduced by Sales, Balyeat, Everett, Fuchs, Lange, Lewis, Mood, Pattison, Shockley, referred to Education.  
**HB 282**, introduced by Younkin, Curtiss, Gillan, Golie, Grimes, Kitzenberg, Mangan, Tester, F. Thomas, Wheat, referred to Judiciary.  
**HB 283**, introduced by Fuchs, Andersen, Balyeat, Esp, Glaser, Laible, Rice, Sprague, referred to Fish, Wildlife and Parks.  
**HB 284**, introduced by Gillan, Buzzas, referred to Judiciary.  
**HB 285**, introduced by R. Brown, Gallik, Laszloffy, McGee, McKenney, Mood, F. Thomas, Wanzenried, referred to Business and Labor.  
**HB 286**, introduced by B. Thomas, Hedges, McKenney, Roberts, Tropila, referred to Appropriations.  
**HB 287**, introduced by Lindeen, Bergren, Bohlinger, Callahan, Hansen, B. Ryan, referred to Natural Resources.  
**HB 288**, introduced by Erickson, referred to Taxation.  
**HB 289**, introduced by Newman, Parker, referred to Judiciary.  
**HB 290**, introduced by Ripley, E. Clark, Haines, Lehman, Lewis, Mahlum, Rome, B. Thomas, referred to Local Government.  
**HB 291**, introduced by Lindeen, Gebhardt, referred to Human Services.  
**HB 292**, introduced by Younkin, referred to Natural Resources.  
**HB 293**, introduced by Smith, Bixby, Cooney, Ellingson, Franklin, Hedges, Jayne, Juneau, Pease, Roush, Small-Eastman, Tropila, Windy Boy, referred to Judiciary.  
**HB 294**, introduced by Facey, Bohlinger, Buzzas, Ellingson, Gallus, Gutsche, Kaufmann, Newman, Toole, referred to Judiciary.  
**HB 295**, introduced by Jent, referred to Judiciary.  
**HB 296**, introduced by Jent, referred to Business and Labor.  
**HB 297**, introduced by Wanzenried, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

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**HJR 9**, introduced by Smith, Bixby, Cooney, Ellingson, Franklin, Hedges, Jayne, Juneau, Lenhart, Pease, Roush, Small-Eastman, Tropila, Windy Boy, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 16** - Representative Haines moved **HB 16** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: Waitschies.

Total 1

**HB 36** - Representative Lawson moved **HB 36** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

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Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 50** - Representative Haines moved **HB 50** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 117** - Representative Kaufmann moved **HB 117** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 21** - Representative Smith moved **HB 21** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Lehman, McKenney, Morgan, Parker, Ripley, Rome, Ross, Ryan, Sales, Witt.  
Total 16

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Franklin, Galvin-Halcro.  
Total 2

Excused: Sinrud.  
Total 1



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Absent or not voting: Bookout-Reinicke, Fisher, Hawk, Lambert, Thomas, Wagman.  
Total 6

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 49** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 94

Noes: Barrett, Hurwitz, Sales.  
Total 3

Excused: Sinrud.  
Total 1

Absent or not voting: Waitschies, Mr. Speaker.  
Total 2

**MOTIONS**

Representative R. Brown moved **HB 10** be taken from the Committee on Natural Resources and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, January 13, 2003. Motion carried.

House adjourned at 1:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 13, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Pattison. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Forrester and Gillan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first, second, and third legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Mr. Speaker introduced the pages of the week:

Jeff Clark, Laurel  
Katie Ellis, Billings  
Tim Ellis, Billings  
Amber Laszloffy, Laurel  
Chylo Laszloffy, Laurel  
Lyndsey Merchant, Volberg  
Peter Rae, Laurel  
Sharon Scott, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/13/2003  
Correctly enrolled: **HR 1**.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/10/2003  
**HB 45**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "\$100,000"

**Following:** "BOND"

**Insert:** "IN AN AMOUNT TO BE SET BY THE DEPARTMENT OF ADMINISTRATION BY RULE"

2. Page 1, line 28.

**Strike:** "the amount of \$100,000"

**Insert:** "an amount to be set by the department by rule"

And, as amended, do pass. Report adopted.

**HB 172**, do pass. Report adopted.

**HB 182**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "REFERENCES"

**Insert:** "PERTAINING"

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2. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "2-15-150,"

3. Page 1, line 15.

**Insert:** "**Section 1.** Section 2-15-150, MCA, is amended to read:

**"2-15-150. (Temporary) Lewis and Clark bicentennial commission -- membership -- purpose -- account.** (1) There is a Lewis and Clark bicentennial commission.

(2) The commission consists of 12 members, as follows:

(a) nine members who must be appointed by the governor, at least three of whom must be enrolled members of a Montana Indian tribe and live on a Montana Indian reservation, who shall serve 3-year staggered terms, who shall represent Montana's different geographical areas, and who must have an interest in the history of the Lewis and Clark expedition;

(b) the director of the Montana historical society, established in 22-3-101;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-3401; and

(d) ~~the director of travel Montana~~ administrator of the Montana promotions division within the department of commerce, established in 2-15-1801.

(3) The commission is responsible for coordinating and promoting observance of Montana's bicentennial commemoration of the Lewis and Clark expedition and the importance of the roles played by Montana's Indian people to the Lewis and Clark expedition. The commission may:

(a) cooperate with national, regional, statewide, and local events promoting the bicentennial;

(b) plan and coordinate or assist in planning and coordinating bicentennial events;

(c) engage in fundraising activities, including revenue-earning enterprises and the solicitation of grants, gifts, and donations;

(d) promote public education concerning the Lewis and Clark expedition and the history and culture of Montana's Indian people at the time of the Lewis and Clark expedition; and

(e) perform other related duties.

(4) (a) The Lewis and Clark bicentennial commission is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$3 million, payable over a term not to exceed 6 years, for the purposes identified in subsection (3).

(b) The Lewis and Clark bicentennial commission shall pledge to the repayment of any indebtedness the proceeds from the sale of Lewis and Clark bicentennial license plates as provided in 2-15-151.

(c) The proceeds of any loan from the board of investments to the Lewis and Clark bicentennial commission must be deposited in the account established in subsection (5).

(5) There is a Montana Lewis and Clark bicentennial account. Money in the account may include money from revenue-earning enterprises, grants, gifts, or donations, money appropriated by the legislature, and interest earned on the account. Account funds must be used for the purposes described in this section.

(6) The commission is attached to the Montana historical society for administrative purposes only as provided in 2-15-121. (Subsections (1) through (3), (5), and (6) terminate December 31, 2007--sec. 2, Ch. 428, L. 1997; subsection (4) terminates December 31, 2006--sec. 17, Ch. 414, L. 2001.)""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/10/2003

**HB 46**, do pass. Report adopted.

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SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 1/10/2003

**SB 7**, introduced by Butcher  
**SB 17**, introduced by McGee  
**SB 21**, introduced by McNutt  
**SB 33**, introduced by Cobb  
**SB 80**, introduced by Laible  
**SB 85**, introduced by Cocchiarella

**Senate bills** passed and transmitted to the House for concurrence: 1/9/2003

**SB 10**, introduced by Grimes  
**SB 31**, introduced by Cobb  
**SB 32**, introduced by Mahlum  
**SB 75**, introduced by Stapleton

**Senate joint resolution** passed and transmitted to the House for concurrence: 1/10/2003

**SJR 1**, introduced by F. Thomas

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 298**, introduced by Younkin, Bohlinger, Glaser, Harrington, Keane, Lawson, Mahlum, McNutt, Newman, Noennig, Perry, Peterson, Schrumpf, Wanzenried, Wheat, referred to Local Government.

**HB 299**, introduced by Peterson, Bales, Barrett, Ripley, Tash, referred to Agriculture.

**HB 300**, introduced by Hedges, referred to Taxation.

**HB 301**, introduced by Facey, Cooney, Elliott, Pattison, referred to Transportation.

**HB 302**, introduced by Lewis, Ballantyne, Barrett, Becker, Bixby, Branae, Brueggeman, Callahan, Carney, P. Clark, Cocchiarella, Cohenour, Cyr, Devlin, Dowell, Ellingson, Elliott, Erickson, Facey, Forrester, Gallik, Gallus, Gibson, Gillan, Golie, Grimes, Harrington, Hedges, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Kitzenberg, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Mangan, Matthews, McGee, McKenney, McNutt, Mood, Nelson, Newman, Noennig, A. Olson, B. Olson, Pease, Peterson, Raser, Ripley, Rome, Ross, Roush, B. Ryan, D. Ryan, Schrumpf, Shea, Shockley, Small-Eastman, Smith, Sprague, Steinbeisser, B. Thomas, Toole, Tropila, Wanzenried, Witt, referred to Education.

**HB 303**, introduced by A. Olson, Bales, Keane, Lange, Matthews, McGee, Peterson, referred to Federal Relations, Energy, and Telecommunications.

**HB 304**, introduced by A. Olson, Bales, Lange, Matthews, McGee, Peterson, referred to Federal Relations, Energy, and Telecommunications.

**HB 305**, introduced by Peterson, Bales, Mood, Nelson, Sprague, Witt, Younkin, referred to State Administration.

**HB 306**, introduced by Balyeat, Andersen, Bitney, Black, Bookout-Reinicke, D. Brown, Brueggeman, P. Clark, Cohenour, Everett, Forrester, Fuchs, Gallus, Gibson, Golie, Haines, Jackson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lewis, Maedje, McGee, Mendenhall, Mood, Perry, Roberts, Rome, Sales, Schrumpf, Shea, Shockley, Sinrud, Sprague, Tropila, Wagman, Weiss, Wheat, Witt, referred to Fish, Wildlife and Parks.

**HB 307**, introduced by B. Thomas, referred to Business and Labor.

**HB 308**, introduced by Musgrove, Tester, referred to Judiciary.

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**HB 309**, introduced by R. Brown, Balyeat, D. Brown, Brueggeman, Devlin, Fisher, Fuchs, Kasten, Laszloffy, Lehman, McNutt, Mood, A. Olson, Ripley, Sinrud, Stapleton, Steinbeisser, F. Thomas, Younkin, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 39** - Representative Gallik moved **HB 39** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Forrester, Gillan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 65** - Representative Matthews moved **HB 65** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

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Noes: None.  
Total 0

Voted Absentee: Forrester, Gillan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Schrumpf.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: Fisher, Parker.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 16** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt,

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Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 21** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Lehman, McKenney, Morgan, Parker, Ripley, Rome, Ross, Sales.  
Total 14

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 36** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

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Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 50** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 117** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0



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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, January 14, 2003. Motion carried.

House adjourned at 1:24 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 14, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wagman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Forrester and Gillan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/14/2003  
Correctly printed: **HB 39**.  
Correctly engrossed: **HB 45, HB 182**.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/13/2003  
**HB 72**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "DEFINING" on line 6 through "PHYSICIAN";" on line 8

2. Title, line 9.

**Following:** "EMPLOYMENT";"

**Insert:** "REMOVING THE TIME LIMITATIONS FOR EXPENDITURES OF FUNDS RECEIVED PURSUANT TO SECTIONS 903 AND 904 OF THE SOCIAL SECURITY ACT FOR ADMINISTRATIVE EXPENSES;"

3. Title, line 13.

**Strike:** "39-51-201,"

**Following:** "39-51-204,"

**Insert:** "39-51-404,"

4. Page 1, line 18 through page 5, line 21.

**Strike:** strike section 1 in its entirety

**Renumber:** subsequent sections

5. Page 9, following line 24.

**Insert:** "**Section 2.** Section 39-51-404, MCA, is amended to read:

**"39-51-404. Administrative expenses.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law that:

(a) specifies the purposes for which the money is appropriated and the amounts appropriated; and

~~(b) limits the period within which the money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and~~

~~(c)~~(b) limits the amount that may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount not exceeding the amount by which the aggregate of the amounts credited to the account of this state pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this

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section and charged against the amounts credited to the account of this state during any of the 35 12-month periods.

(2) For the purposes of this section, amounts used during any 12-month period must be charged against equivalent amounts that were first credited and that are not already charged, except that an amount used for administration during any 12-month period may not be charged against any amount credited during a 12-month period earlier than the 34th preceding period. Money requisitioned for the payment of expenses of administration pursuant to this section must be deposited in the unemployment insurance administration account but, until expended, must remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds deposited. If any money deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating the money, it must be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) An assessment equal to 0.13% of all taxable wages provided for in 39-51-1108 and 0.05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers. All assessments and investment income must be deposited in the employment security account provided for in 39-51-409."

**Renumber:** subsequent sections

6. Page 10, line 2.

**Strike:** "medical provider"

**Insert:** "physician"

7. Page 10, line 3.

**Strike:** "medical provider"

**Insert:** "physician"

And, as amended, do pass. Report adopted.

**HB 79**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "A PERSON OR"

**Insert:** "AN INDIVIDUAL OR A"

2. Title, line 5.

**Strike:** "PERSON'S"

**Insert:** "INDIVIDUAL'S"

3. Title, line 7.

**Following:** "PUBLIC"

**Insert:** "; PROVIDING CRITERIA FOR THE PLACEMENT OF THE SIGNS OR MARKERS; AND REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO INFORM THE PUBLIC OF THE PLACEMENT, USE, AND SIGNIFICANCE OF WATER HAZARD SIGNS AND MARKERS"

4. Page 1, line 12.

**Following:** "limitation"

**Insert:** "-- role of department"

5. Page 1, line 12.

**Strike:** "A person or"

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**Insert:** "Unless acting with gross negligence, an individual or a"

6. Page 1, line 13.

**Strike:** "person's"

**Insert:** "individual's"

7. Page 1, line 14.

**Following:** "public"

**Strike:** "."

**Insert:** "as long as:

(a) the sign or marker is a white plastic milk bottle attached by a cord to the hazard or is a sign or marker approved by the department;

(b) the sign or marker contains or bears the name and telephone number of the individual or nonprofit organization that placed it;

(c) the individual or nonprofit organization maintains or removes the sign or marker when dictated by changing water conditions or seasonal changes; and

(d) the individual or nonprofit organization places the sign or marker only for the purpose of identifying hazards."

8. Page 1, line 15 through line 17.

**Strike:** "Section" on line 15 through "public." on line 17

**Insert:** "(a) The provisions of this section are not intended to prohibit the placement of nonhazard signs or markers for water skiing, diving, safe channels, or swimming areas or for posting speed limits.

(b) The department shall inform members of the public involved in the recreational use of the waters of this state of the placement, use, and significance of signs or markers warning of hazards in the water that are placed by individuals or nonprofit organizations pursuant to the provisions of this section."

9. Page 1, following line 17.

**Insert:** "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1]."

And, as amended, do pass. Report adopted.

**HB 179**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

1/13/2003

**HB 34**, do pass. Report adopted.

**HB 35**, do pass. Report adopted.

1/14/2003

**HB 37**, do pass. Report adopted.

**HB 38**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Following:** "hearing" on line 28

**Insert:** "-- suspension of penalty"

2. Page 2, line 8.

**Following:** "6." on line 8

**Insert:** "Upon the filing of a timely request for a hearing, the imposition of the daily civil penalty provided for in this section must be suspended until the commissioner issues a decision."

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And, as amended, do pass. Report adopted.

**HB 41**, do pass. Report adopted.

**HB 91**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 67**, introduced bill, be amended as follows:

1/14/2003

1. Title, line 13.

**Following:** "BLIND PEDESTRIANS"

**Insert:** "ON CERTAIN HIGHWAYS"

2. Page 6, line 18.

**Following:** "public"

**Insert:** "within the limits of an incorporated or unincorporated city or town"

And, as amended, do pass. Report adopted.

**HB 68**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Strike:** "GENERALLY" on line 5 through "ROADS;" on line 6

2. Title, line 7 through line 11.

**Strike:** "DEFINING" on line 7 through "ROADS;" on line 10

**Strike:** "23-2-821, 61-5-104," on line 10

**Following:** "61-8-102"

**Strike:** ", "

**Insert:** "AND"

**Strike:** "61-8-110" on line 10 through "61-8-112," on line 11

3. Page 1, line 15 through page 3, line 9.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

4. Page 3, line 27 through page 5, line 2.

**Strike:** section 5 through section 7 in their entirety

And, as amended, do pass. Report adopted.

**HB 80**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 310**, introduced by Fisher, Bookout-Reinicke, Dowell, Haines, Hawk, Laslovich, Lehman, Lewis, A. Olson, B. Olson, Pattison, Witt, referred to Taxation.

**HB 311**, introduced by Stoker, referred to Agriculture.

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**HB 312**, introduced by Lindeen, referred to Business and Labor.

**HB 313**, introduced by Younkin, Cohenour, Cooney, Jacobson, Lawson, Lehman, A. Olson, Ripley, Tester, referred to Appropriations.

**HB 314**, introduced by Morgan, referred to Business and Labor.

**HB 315**, introduced by Lawson, referred to Business and Labor.

**HB 316**, introduced by Shockley, referred to Judiciary.

**HB 317**, introduced by Shockley, referred to Agriculture.

**HB 318**, introduced by Fisher, Haines, Hedges, B. Thomas, referred to Taxation.

**HB 319**, introduced by Lawson, referred to Business and Labor.

**HB 320**, introduced by Jent, referred to Appropriations.

**HB 321**, introduced by Younkin, Hurwitz, Ross, Schrumpf, B. Thomas, referred to Business and Labor.

**HB 322**, introduced by Gallik, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 46** - Representative Haines moved **HB 46** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Voted Absentee: Forrester, Gillan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 172** - Representative Gallik moved **HB 172** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.

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Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Forrester, Gillan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Forrester, Gillan.

Total 2

Absent or not voting: Jent.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**HB 39** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 65** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, January 15, 2003. Motion



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carried.

House adjourned at 1:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTH LEGISLATIVE DAY**

Helena, Montana  
January 15, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Brueggeman, Forrester, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourth, fifth, and sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

The Speaker introduced the Expressions of Silence, a performing group of 30 middle and high school students from the Montana School for the Deaf and the Blind. They presented contemporary songs in their own language, American Sign Language. The group was directed by MSDB teachers Mrs. Jennifer Wasson and Ms. Dessica McKeehan. The goal of the group is to provide students with an opportunity to learn new songs, signs and choreography while having the opportunity to increase their personal self-esteem. The Expressions of Silence performed 2 numbers, "God Bless the USA" and "Love in Any Language" which has become the signature song of the group in an effort to promote a sense of humanity and good will to all individuals regardless of their disability.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/15/2003  
Correctly printed: **HB 46**, **HB 172**.

**AGRICULTURE** (Rice, Chairman): 1/14/2003  
**HB 31**, do pass. Report adopted.  
**HB 62**, introduced bill, be amended as follows: 1/10/2003

1. Page 2, line 19 through line 20.

**Strike:** "z" on line 19 through "(a)" on line 20

**Strike:** "and" on line 20

**Insert:** ", "

2. Page 2, line 21 through line 25.

**Following:** "; " on line 21

**Strike:** "z" through "pests" on page 2, line 25

**Insert:** ", and any other parasite or predator that attacks the egg, larval, pupal, or adult stages of the honeybee that are subject to regulation under parts 1 through 3 of this chapter"

And, as amended, do pass. Report adopted.

**HB 128**, introduced bill, be amended as follows: 1/15/2003

1. Page 1, line 7.

**Following:** "MILLION"

**Insert:** "UNLESS APPROPRIATED BY A VOTE OF THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE"

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2. Page 1, line 17.

**Following:** "(\$10,000,000)"

**Strike:** ", guaranteed" through "diversion"

**Insert:** "unless appropriated by vote of three-fourths (3/4) of the members of each house of the legislature"

3. Page 1, lines 18 and 19.

**Following:** "interest" on line 18

**Strike:** ", "

**Insert:** "and"

**Following:** "income"

**Strike:** ", and principal"

**Following:** "fund"

**Strike:** "in excess" on line 18 through "(\$10,000,000)" on line 19

4. Page 1, line 19.

**Following:** "appropriated"

**Insert:** "by a majority vote of each house of the legislature"

**Following:** "interest"

**Strike:** ", "

**Insert:** "and"

**Following:** "income"

**Strike:** ", or principal"

5. Page 1, line 21.

**Insert:** "(4) The principal of the noxious weed management trust fund in excess of ten million dollars (\$10,000,000) may be appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of ten million dollars (\$10,000,000) shall be used only to fund the noxious weed management program, as provided by law."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/14/2003

**HB 104**, do pass. Report adopted.

**HB 159**, introduced bill, be amended as follows:

1. Page 12, line 10.

**Following:** "who is"

**Strike:** "not"

And, as amended, do pass. Report adopted.

**HB 162**, do pass. Report adopted.

**HB 165**, do pass. Report adopted.

**HB 169**, introduced bill, be amended as follows:

1. Title, line 13.

**Strike:** "33-1-211,"

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2. Page 2, line 2.

**Strike:** "at the applicant's own cost"

**Following:** "examination."

**Insert:** "The applicant or insurer shall pay the cost of the background application."

3. Page 3, line 14 through page 4, line 12.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

4. Page 11, line 26.

**Strike:** "or"

5. Page 11, line 29.

**Strike:** "."

**Insert:** ";

6. Page 11, following line 29.

**Insert:** "(8) a person whose activities in this state are limited to advertising without the intent to solicit insurance in this state through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of this state if the person does not sell, solicit, or negotiate insurance contracts with respect to risks located in this state; or

(9) a person who is not a resident of this state who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks with respect to an insured with risks located in more than one state that are insured under the contract if the person is licensed in the state where the insured maintains its principal place of business and the contract insures risks located in that state."

7. Page 12, line 3.

**Strike:** "For subjects of insurance resident, located, or to be performed in this state, a"

**Insert:** "A"

8. Page 12, line 4.

**Following:** "producer"

**Insert:** "in this state"

9. Page 25, line 3.

**Following:** "[section"

**Strike:** "8"

**Insert:** "7"

10. Page 25, line 4.

**Following:** the first "Section"

**Strike:** "8"

**Insert:** "7"

And, as amended, do pass. Report adopted.

**HB 183**, introduced bill, be amended as follows:

1. Page 5, line 6.

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**Strike:** "actually mailed"

**Insert:** "issued"

2. Page 6, line 6.

**Strike:** "provide"

**Insert:** "issue"

3. Page 6, line 21.

**Strike:** "and"

**Insert:** "(c) certification of the date of issuance of the certificate specified on the form; and"

**Renumber:** subsequent subsection

4. Page 6, line 25.

**Strike:** "the mailing"

**Insert:** "issuance"

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Page 2, line 3.

**Following:** "period"

**Insert:** "and the employer does not pay the employee within the 10-day period provided for in subsection (1)"

2. Page 2, line 4.

**Following:** "period."

**Insert:** "An employer may not withhold payment of the employee's wages beyond the next ensuing pay period. If there is not an established time period or time when wages are due and payable, the pay period is presumed to be semimonthly in length."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/14/2003

**HB 29**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "INCARCERATION TERM"

**Insert:** "LENGTH"

**Strike:** "APPROVAL OF"

**Insert:** "ADVICE FROM"

2. Page 1, line 15.

**Strike:** "incarceration term"

**Insert:** "length"

3. Page 1, line 26 through line 27.

**Strike:** "and." on line 26 through "office" on line 27

4. Page 2, line 8.

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**Following:** "department"

**Insert:** ", which shall request and consider the recommendation of the prosecuting attorney's office"

And, as amended, do pass. Report adopted.

**HB 48**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "and discussing why those issues lack merit"

And, as amended, do pass. Report adopted.

**HB 70**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Following:** "court may"

**Insert:** ", except for good cause shown,"

**Following:** "prosecution"

**Insert:** "and the right to a jury trial is considered waived by the defendant"

And, as amended, do pass. Report adopted.

**HB 84**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 13.

**Strike:** "ELIMINATING" on line 5 through "REPEALING" on line 13

**Insert:** "REVISING AND CLARIFYING THE OFFENSE OF MITIGATED DELIBERATE HOMICIDE TO RESOLVE THE CONFUSION THAT ARISES IN TRYING THE OFFENSE; AMENDING"

2. Page 1, line 17 through page 23, line 18.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 45-5-103, MCA, is amended to read:

**"45-5-103. Mitigated deliberate homicide.** (1) A person commits the offense of mitigated deliberate homicide when the person purposely or knowingly causes the death of another human being but does so under the influence of extreme mental or emotional stress for which there is reasonable explanation or excuse. The reasonableness of the explanation or excuse must be determined from the viewpoint of a reasonable person in the actor's situation.

~~(2) It is an affirmative defense that the defendant acted under the influence of extreme mental or emotional stress as provided in subsection (1). This defense constitutes a mitigating circumstance reducing deliberate homicide to mitigated deliberate homicide and must be proved by the defendant by a preponderance of the evidence.~~

~~(3)(2)~~ Mitigated deliberate homicide is ~~not an~~ a lesser included offense of deliberate homicide as defined in 45-5-102(1)(b)(a), but is not a lesser included offense of deliberate homicide as defined in 45-5-102(1)(b).

(3) Mitigating circumstances that reduce deliberate homicide to mitigated deliberate homicide are not an element of the reduced crime that the state is required to prove or an affirmative defense that the defendant is required to prove. Neither party has the burden of proof as to mitigating circumstances, but either party may present evidence of mitigation.

(4) A person convicted of mitigated deliberate homicide shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222."

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**Insert:** "NEW SECTION. Section 2. Applicability. [This act] applies to offenses committed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**HB 132**, introduced bill, be amended as follows:

1/15/2003

1. Title, line 7.

**Strike:** "AND"

2. Title, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

**Following:** line 28

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/13/2003

**HB 43**, do pass. Report adopted.

**HB 83**, do pass. Report adopted.

**HB 89**, do pass. Report adopted.

**HB 102**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

1/14/2003

**HB 25**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "ALLOWING" on line 5 through ";" on line 6

2. Title, page 1, line 7.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 13-12-202"

3. Page 2, line 13 through line 22.

**Strike:** section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 69**, do pass. Report adopted.

1/15/2003

**HB 108**, do pass. Report adopted.

1/15/2003

**TAXATION** (Fuchs, Chairman):

1/13/2003

**HB 58**, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

**Strike:** "15TH"through "YEAR"

**Insert:** "DATE REQUIRED FOR FILING A TAX RETURN"

2. Page 2, line 2.

**Strike:** "15th" through "year"

**Insert:** "date required by this chapter for filing a return"

And, as amended, do pass. Report adopted.

**HB 59**, do pass. Report adopted.

**HB 106**, introduced bill, be amended as follows:

1/14/2003

1. Page 3, line 5.

**Strike:** "--" through "revenue"

2. Page 3, line 15.

**Following:** "and"

**Insert:** "and"

3. Page 3, line 17.

**Strike:** ";and"

4. Page 3, line 18.

**Strike:** "(iii)" through "return"

5. Page 3, line 22 through line 24.

**Strike:** subsection (3) in its entirety

6. Page 3, line 29.

**Following:** "appraise"

**Insert:** "and appraise"

7. Page 4, line 10.

**Following:** "representative"

**Insert:** "or domiciliary foreign personal representative"

8. Page 4, line 21.

**Strike:** "dates of death"

**Insert:** "deaths occurring"

**Following:** "2000"

**Insert:** ", for which the probate of the decedents' estates closes after [the effective date of this act] "

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:



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**HB 323**, introduced by Jent, referred to Business and Labor.

**HB 324**, introduced by Fritz, referred to Local Government.

**HB 325**, introduced by Witt, Barrett, Bergren, E. Clark, Fisher, Haines, Hedges, Kasten, Lehman, Lenhart, Matthews, Musgrove, Pattison, Peterson, Ripley, Steinbeisser, Waitschies, referred to Agriculture.

**HB 326**, introduced by Newman, Cyr, Gallus, Harrington, Laslovich, Lewis, McCarthy, Rome, Shea, referred to Natural Resources.

**HB 327**, introduced by Harris, referred to Judiciary.

**HB 328**, introduced by Harris, referred to Natural Resources.

**HB 329**, introduced by Morgan, referred to Business and Labor.

**HB 330**, introduced by Smith, Kitzenberg, referred to Taxation.

**HB 331**, introduced by Gallus, DePratu, Grimes, Lawson, B. Ryan, Tester, Younkin, referred to Business and Labor.

**HB 332**, introduced by Gallus, Dowell, Gallik, Harris, Lawson, Lindeen, B. Ryan, Shea, Wilson, referred to Business and Labor.

**HB 333**, introduced by Waitschies, referred to Local Government.

**HB 334**, introduced by Kaufmann, Kitzenberg, referred to Taxation.

**HB 335**, introduced by Raser, referred to Local Government.

**HB 336**, introduced by R. Brown, referred to Transportation.

**HB 337**, introduced by Ripley, Anderson, Bales, Black, D. Brown, Curtiss, Dowell, Fisher, Fuchs, Galvin-Halcro, Glaser, Golie, Hedges, Kasten, Keenan, Lindeen, Mangan, McGee, McNutt, Mood, Nelson, Peterson, Ross, Roush, D. Ryan, Smith, Sprague, Squires, Tester, Tropila, Wagman, Witt, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 34** - Representative Jacobson moved **HB 34** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.

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Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 35** - Representative Jacobson moved **HB 35** do pass.

Representative D. Brown moved **HB 35**, second reading copy, be amended as follows:

1. Page 3, line 9.

**Strike:** "and"

2. Page 3, line 11.

**Following:** "guard"

**Insert:** ", and who has served on federal or state active military duty, certified by the department of military affairs established in 2-15-1201, that was performed as a direct result of a contingency operation, as defined in 10 U.S.C. 101, a war, or a conflict declared by the president or congress"

Amendment **not** adopted as follows:

Ayes: Balyeat, Becker, D. Brown, R. Brown, Everett, Fisher, Haines, Hawk, Jackson, Jayne, Kasten, Kaufmann, Lake, Lehman, Malcolm, Mendenhall, Morgan, Rice, Ross, Sales, Sinrud, Waitschies.  
Total 22

Noes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Voted Absentee: Brueggeman, No.

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **HB 35** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B.

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Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, Becker, D. Brown, R. Brown, Everett, Fisher, Harris, Hawk, Lake, Lehman, Mendenhall, Rice, Sales, Sinrud, Waitschies.  
Total 15

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.  
Total 0

Absent or not voting: Malcolm.  
Total 1

**HB 37** - Representative Sinrud moved **HB 37** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Ballantyne, Balyeat, Buzzas, Carney, P. Clark, Cyr, Dowell, Facey, Gallik, Galvin-Halcro, Gibson, Gutsche, Jayne, Kaufmann, Laszloffy, Malcolm, Mendenhall, Newman, Pattison, Raser, Ross, Sales, Wanzenried, Wilson, Windy Boy.  
Total 25

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**HB 41** - Representative Noennig moved **HB 41** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison,

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Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 97

Noes: Balyeat, R. Brown, Mr. Speaker.  
Total 3

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 45** - Representative Lawson moved **HB 45** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, R. Brown, Cyr, Fuchs, Kasten, Laszloffy.  
Total 6

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 80** - Representative Jackson moved **HB 80** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 86

Noes: Ballantyne, Branae, Buzzas, Callahan, Cohenour, Erickson, Gallik, Gibson, Gutsche, Juneau, Kaufmann, Small-Eastman, Smith, Wanzenried.

Total 14

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 91** - Representative Facey moved **HB 91** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 179** - Representative Matthews moved **HB 179** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**HB 182** - Representative Rome moved **HB 182** do pass.

Representative Harris moved consideration of **HB 182** be passed for the day. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Morgan, Musgrove, Raser, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 38

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 58

Excused: Brueggeman, Forrester.

Total 2

Absent or not voting: Haines, Pattison.

Total 2

Motion that **HB 182** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, D. Brown, Buzzas, Carney, P. Clark, Dowell, Erickson, Facey, Gutsche, Harris, Jayne, Juneau, Malcolm, Small-Eastman, Smith, Wanzenried.

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Total 16

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Cyr, Erickson, Harris, Juneau, Smith, Wanzenried.

Total 7

Excused: Brueggeman, Forrester.

Total 2

Absent or not voting: D. Brown, Hedges, Lake, Malcolm, Windy Boy.

Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 46** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

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Noes: Balyeat.  
Total 1

Excused: Brueggeman, Forrester.  
Total 2

Absent or not voting: Lambert.  
Total 1

**HB 172** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Brueggeman, Forrester.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative B. Brown moved **HB 164** be taken from the Committee on State Administration and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Representative B. Brown moved **HB 176** be taken from the Committee on Natural Resources and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative B. Brown moved **HB 281** be taken from the Committee on Education and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker asked the House to join him in singing Happy Birthday to Bob Clark, the House Security Guard Supervisor.



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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, January 16, 2003. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laslovich. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Speaker Mood appointed the following representative to the Montana Heritage Preservation and Development Commission:

Representative Diane Rice

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/16/2003  
Correctly printed: **HB 31, HB 43, HB 59, HB 69, HB 83, HB 89, HB 102, HB 104, HB 108, HB 162, HB 165.**  
Correctly engrossed: **HB 25, HB 29, HB 48, HB 58, HB 62, HB 70, HB 84, HB 106, HB 128, HB 132, HB 159, HB 169, HB 183, HB 230.**

**APPROPRIATIONS** (Lewis, Chairman): 1/16/2003  
**HB 1**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "LEGISLATURE;" on line 6

**Insert:** "AMENDING SECTION 1, CHAPTER 1, LAWS OF 2001;"

2. Page 1, line 14.

**Strike:** "\$2,280,881"

**Insert:** "\$2,130,881"

3. Page 1, line 15.

**Strike:** "3,699,035"

**Insert:** "3,449,035"

4. Page 1, line 16.

**Strike:** "719,510"

**Insert:** "654,510"

5. Page 1.

**Following:** line 16

**Insert:** "**Section 2.** Section 1, Chapter 1, Laws of 2001, is amended to read:

**"Section 1. Appropriations.** (1) The following amounts are appropriated from the general fund for fiscal years 2001, 2002, and 2003 for the operation of the 57th legislature and costs of preparing for the 58th legislature:

LEGISLATIVE BRANCH (1104)

|                |             |                    |
|----------------|-------------|--------------------|
| 1. Senate (25) | \$2,355,658 | <u>\$2,205,658</u> |
|----------------|-------------|--------------------|

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|                                  |                      |                  |
|----------------------------------|----------------------|------------------|
| 2. House of Representatives (26) | <del>3,701,192</del> | <u>3,451,192</u> |
| 3. Legislative Services Division |                      |                  |
| Feed Bill (22)                   | <del>643,554</del>   | <u>578,554</u>   |

|  |                          |  |
|--|--------------------------|--|
| (2) <u>The following amounts are appropriated from the</u> |                          | <u>general fund for fiscal year 2003 for</u> |
| <u>the operation of the</u>                                | <u>58th legislature:</u> |  |
| <u>1. Senate (25)</u>                                      |                          | <u>\$150,000</u>                             |
| <u>2. House of Representatives (26)</u>                    | <u>250,000</u>           |  |
| <u>3. Legislative Services Division</u>                    |                          |  |
| <u>Feed Bill (22)</u>                                      |                          | <u>65,000"</u>                               |

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 136**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/15/2003

**HB 110**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "LIMITING TO A MAXIMUM OF \$200 THE TOTAL"

**Insert:** "ELIMINATING THE"

2. Title, line 5.

**Strike:** "OR TO"

**Insert:** ", EXCEPT FOR"

3. Title, line 6.

**Following:** "DEPARTMENT"

**Insert:** ", "

4. Page 3, line 28 through page 4, line 2.

**Strike:** subsection (7)(a) in its entirety

**Renumber:** subsequent subsections

5. Page 4, line 3 through line 4.

**Strike:** "not" on line 3 through "\$200" on line 4

6. Page 4, line 6.

**Strike:** "subsections (7)(a) and (7)(b)"

**Insert:** "this subsection (7)"

7. Page 4, line 12 through line 13.

**Strike:** subsection (d) in its entirety

And, as amended, do pass. Report adopted.

**HB 174**, introduced bill, be amended as follows:

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1. Page 11, line 11 through line 12.

**Strike:** "subject" on line 11 through "rule." on line 12

**Insert:** "the following subjects:

- (a) the national electric code;
- (b) cost estimating for electrical installments;
- (c) procurement and handling of materials needed for electrical installations and repair;
- (d) reading blueprints for electrical work;
- (e) drafting and layout of electrical circuits; and
- (f) knowledge of practical electrical theory."

2. Page 11, line 29 through line 30.

**Strike:** "subject" on line 29 through "rule." on line 30

**Insert:** "the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

3. Page 12, line 10 through line 11.

**Strike:** "subject" on line 10 through "rule." on line 11

**Insert:** "the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

4. Page 14, line 3 through line 4.

**Strike:** "as" on line 3 through "rule" on line 4

**Insert:** "and establishing by practical demonstration competence in the special skills required in the field of plumbing"

And, as amended, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman):

1/16/2003

**HB 23**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** ";

**Strike:** "AND"

**Following:** "MCA"

**Insert:** ";; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 21.

**Following:** line 20

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 60**, do pass. Report adopted.

**HB 78**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

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**Following:** "TRUSTEES;"  
**Strike:** "AND"  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6, line 9.

**Following:** line 8

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 107**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "LIST"

**Insert:** "OF SCHOOL DISTRICTS' ENROLLMENT AND"

2. Page 1, line 30.

**Following:** "appropriation"

**Insert:** "or grant funding specified for this purpose"

3. Page 2, line 15.

**Following:** "list"

**Insert:** "of school districts' enrollment and"

**Following:** "shortages"

**Insert:** "based on the demonstrated demand by Montana school districts for additional qualified teachers. This list must be used in assigning funding preferences as specified in [section 4(6)]"

4. Page 2, line 20.

**Following:** "by"

**Insert:** "one of the following"

5. Page 2, line 29.

**Following:** "assignment"

**Insert:** "as determined by the office of public instruction"

6. Page 3, line 2.

**Following:** "endorsement"

**Insert:** "in a critical teacher shortage area"

And, as amended, do pass. Report adopted.

**HB 153**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** ";

**Strike:** "AND"

2. Title, page 1, line 8.

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**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 11.

**Following:** line 10

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

1/15/2003

**HB 101**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "APPLY FOR"

**Strike:** "AND"

**Insert:** "OR"

2. Page 3, line 10.

**Following:** "apply for"

**Strike:** "and"

**Insert:** "or"

**Following:** "use"

**Strike:** "a"

**Insert:** "the following"

**Following:** "resident"

**Insert:** "licenses and permits"

3. Page 4, line 23.

**Following:** "carry"

**Insert:** "knowingly, as defined in 45-2-101,"

4. Page 4, line 28.

**Following:** second "permit"

**Strike:** ", knowing, as defined in 45-2-101,"

**Following:** "that"

**Strike:** "the"

5. Page 4, line 29.

**Strike:** "license or permit"

6. Page 5, line 10.

**Following:** "issued"

**Strike:** ", "

**Following:** "by"

**Insert:** "knowingly, as defined in 45-2-101,"

7. Page 5, line 11.

**Following:** "or permits"

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**Strike:** "knowing, as defined in 45-2-101,"

**Following:** "that"

**Strike:** "the permits"

And, as amended, do pass. Report adopted.

**HB 123**, do pass. Report adopted.

**HB 157**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/15/2003

**HB 17**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "MAKING"

**Insert:** "ABUSE, SEXUAL ABUSE, AND NEGLECT OF AN OLDER PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY A FELONY; MAKING"

2. Page 1, line 23.

**Following:** the first "of"

**Insert:** "or interest in"

3. Page 1, line 25.

**Following:** "possession of"

**Insert:** "or interest in"

4. Page 1, line 28.

**Following:** "possession of"

**Insert:** "or interest in"

5. Page 1, line 30.

**Following:** "use,"

**Strike:** "or"

**Following:** "benefit"

**Strike:** "of"

**Insert:** ", or possession of or interest in"

6. Page 2, line 25.

**Strike:** "Upon a first conviction, a person"

**Insert:** "An individual"

7. Page 2, line 27 through line 28.

**Strike:** "may be" on line 27 through "individual" on line 28

**Insert:** "is guilty of a crime and"

And, as amended, do pass. Report adopted.

**HB 116**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

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**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 3, lines 3 and 4.

**Strike:** "upon" on line 3 through "fined" on line 4

**Insert:** "is subject to a civil penalty of"

3. Page 3, lines 4 and 5.

**Strike:** "or imprisoned" on line 4 through "both" on line 5

4. Page 3, line 16.

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates December 31, 2006."

And, as amended, do pass. Report adopted.

**HB 149**, do pass. Report adopted.

**HB 161**, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

1/16/2003

**HB 88**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

1/16/2003

**HB 22**, do pass. Report adopted.

**HB 215**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/15/2003

**SB 22**, introduced by Nelson

**SB 69**, introduced by Nelson

**Senate bills** passed and transmitted to the House for concurrence:

1/14/2003

**SB 26**, introduced by Mangan

**SB 42**, introduced by Tropila

**SB 43**, introduced by Tropila

**SB 102**, introduced by McNutt

**SB 107**, introduced by Roush

**Senate bills** passed and transmitted to the House for concurrence:

1/13/2003

**SB 3**, introduced by Harrington

**SB 13**, introduced by Mahlum

**SB 19**, introduced by Grimes

**SB 20**, introduced by Grimes

**SB 23**, introduced by Butcher

**SB 27**, introduced by Johnson



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**SB 38**, introduced by Mahlum  
**SB 41**, introduced by Tropila  
**SB 55**, introduced by Keenan  
**SB 100**, introduced by Grimes  
**SB 136**, introduced by Butcher

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 338**, introduced by Keane, Cohenour, Cyr, Laslovich, Musgrove, Newman, Wanzenried, Wilson, referred to Business and Labor.  
**HB 339**, introduced by Pattison, Butcher, Hedges, Peterson, Ross, Smith, Tash, Waitschies, referred to Local Government.  
**HB 340**, introduced by Andersen, referred to Human Services.  
**HB 341**, introduced by Andersen, referred to Human Services.  
**HB 342**, introduced by Jent, referred to Business and Labor.  
**HB 343**, introduced by Sales, Fuchs, Lewis, Sinrud, Everett, referred to Business and Labor.  
**HB 344**, introduced by Gallus, Bergren, Facey, Fuchs, Golie, Haines, Keane, Lawson, Parker, Rome, B. Ryan, F. Thomas, Weiss, referred to Natural Resources.  
**HB 345**, introduced by R. Brown, referred to Taxation.  
**HB 346**, introduced by Smith, Bohlinger, Buzzas, DePratu, Harris, Hedges, Lenhart, Pease, Roush, referred to Judiciary.  
**HB 347**, introduced by Carney, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 10**, introduced by Lawson, referred to Education.  
**HJR 11**, introduced by Smith, Bixby, Bohlinger, Buzzas, Gallik, Hedges, Lenhart, Parker, Pease, Roberts, Roush, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 165** - Representative Lake moved **HB 165** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Erickson, Facey, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrumpf, Smith, Steinbeisser, Wilson, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Balyeat, Bitney, Bixby, Bookout-Reinicke, R. Brown, Buzzas, Dickenson, Dowell, Everett, Fisher,

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Forrester, Franklin, Fritz, Gibson, Golie, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laszloffy, Lenhart, Malcolm, Mendenhall, B. Olson, Parker, Pattison, Rome, Sales, Shockley, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 31** - Representative Waitschies moved **HB 31** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Gallus, Kasten, Lewis.

Total 4

Excused: None.

Total 0

Absent or not voting: Bixby, Everett.

Total 2

**HB 38** - Representative A. Olson moved **HB 38** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Hawk, Jayne.

Total 2

Excused: None.

Total 0

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Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 59** - Representative Erickson moved **HB 59** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Gillan, Lange, Laszloffy, Sales.  
Total 4

**HB 68** - Representative Kaufmann moved **HB 68** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, R. Brown, Cyr, Everett, Fisher, Fuchs, Hawk, Lewis, Maedje, Newman, Raser, Rice, Roberts, Sales, Shockley.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 72** - Representative Mendenhall moved **HB 72** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Dickenson, Fritz, Gillan, Sales, Windy Boy.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 104** - Representative Bergren moved **HB 104** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Shockley.

Total 2

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 162** - Representative Callahan moved **HB 162** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 73

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Noes: Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fuchs, Hurwitz, Jayne, Kasten, Lambert, Lange, Laszloffy, Lewis, Malcolm, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Wagman, Younkin, Mr. Speaker.

Total 26

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 80** - Representative R. Brown moved to reconsider second reading action on **HB 80** for the purpose of rereferring the bill to the Committee on Appropriations. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Raser.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 34** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Shockley.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Everett, Malcolm, Pattison.  
Total 3

**HB 35** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Becker, D. Brown, R. Brown, Everett, Harris, Hawk, Lake, Lehman, Malcolm, Morgan, Rice, Sales, Sinrud, Waitschies.  
Total 15

Excused: None.  
Total 0

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Absent or not voting: Ripley, Schrumpf.  
Total 2

**HB 37** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Balyeat, Bergren, Buzzas, Carney, P. Clark, Cyr, Facey, Franklin, Galvin-Halcro, Gutsche, Jayne, Kaufmann, Laszloffy, Mendenhall, Newman, Raser, Sales, Schrumpf, Small-Eastman, Wanzenried.  
Total 20

Excused: None.  
Total 0

Absent or not voting: Hawk.  
Total 1

**HB 41** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, R. Brown.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Morgan.  
Total 1

**HB 45** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, R. Brown, Fuchs, Laszloffy.

Total 4

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**HB 91** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 179** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100



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Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 182** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: D. Brown, Buzzas, Carney, Erickson, Facey, Gutsche, Harris, Juneau, Malcolm, Raser, Wanzenried.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 80** be taken from the Committee of the Whole and rereferred to the Committee on Transportation. Motion carried.

Representative R. Brown moved **HJR 8** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Education. There being no objection, so ordered.

Representative R. Brown moved **HB 186** be taken from the Committee on Judiciary and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Representative Golie moved **HB 33** be taken from the table and placed on second reading for Legislative Day 12.

Motion requiring a 3/5 vote **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lewis, Lindeen, Malcolm, Musgrove, Newman, Parker, Pattison, Raser,

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Rome, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 59

Noes: Andersen, Balyeat, Barrett, Bitney, Devlin, Everett, Fisher, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him in singing Happy Birthday to Representative Edith Clark.

The Speaker appointed the following members to the House Ethics Committee:

Musgrove  
McKenney  
Gutsche  
Lawson

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, January 17, 2003. Motion carried.

House adjourned at 1:27 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Juneau, Shockley, and Smith, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventh and eighth legislative days, find the same to be correct.

**COMMUNICATIONS AND PETITIONS**

Speaker Mood appointed the following representative to the Legislative Consumer Council:

Representative Gary Matthews

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/17/2003  
Correctly printed: **HB 22, HB 60, HB 88, HB 123, HB 136, HB 149, HB 157, HB 161, HB 215.**  
Correctly engrossed: **HB 1, HB 23, HB 78, HB 107, HB 153.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/16/2003  
**HB 98**, introduced bill, be amended as follows:

1. Title, page 1, line 13.  
**Strike:** "EXAMINATION"  
**Insert:** "SPECIFIC PERFORMANCE LEVELS"

2. Page 7, line 24.  
**Strike:** "an examination"  
**Insert:** "specified performance levels"

And, as amended, do pass. Report adopted.

**HB 296**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 1/16/2003  
**HB 96**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/16/2003  
**HB 15**, do pass. Report adopted.  
**HB 53**, do pass. Report adopted.  
**HB 77**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "AND WHO" on line 6 through "FELONY" on line 7

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2. Title, page 1, line 9 through line 10.

**Strike:** "AGAINST" on line 9 through "GUILTY" on line 10

3. Page 1, line 15.

**Strike:** "and who did not plead guilty to the felony"

4. Page 3, line 2 through line 3.

**Strike:** "the state" on line 2 through "crime" on line 3

**Insert:** "a"

**Following:** "laboratory" on line 3

**Insert:** "of the court's choice"

5. Page 3, line 9.

**Following:** "laboratory"

**Insert:** ", if located"

**Following:** "state"

**Insert:** ", "

6. Page 3, line 25.

**Strike:** subsection (12) in its entirety

**Renumber:** subsequent subsection

7. Page 4, line 2.

**Strike:** "against a person who did not plead guilty"

**Following:** "evidence for"

**Insert:** "a minimum of"

8. Page 4, line 3.

**Strike:** "imposition of sentence"

**Insert:** "conviction in the case becomes final"

9. Page 4, line 4.

**Strike:** "imposition of sentence"

**Insert:** "conviction in the case becomes final"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/16/2003

**HB 175**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/16/2003

**SB 14**, introduced by McCarthy

**SB 49**, introduced by Shea

**SB 51**, introduced by Bohlinger

**SB 84**, introduced by Cocchiarella

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**SB 87**, introduced by Hansen  
**SB 104**, introduced by Tester  
**SB 113**, introduced by Esp  
**SB 125**, introduced by Tester

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 348**, introduced by Wanzenried, Cyr, Laslovich, Tester, referred to State Administration.  
**HB 349**, introduced by Younkin, Laible, Newman, referred to Judiciary.  
**HB 350**, introduced by Cohenour, referred to Judiciary.  
**HB 351**, introduced by Lange, referred to Natural Resources.  
**HB 352**, introduced by Laszloffy, P. Clark, Lange, Mood, Wagman, referred to Fish, Wildlife and Parks.  
**HB 353**, introduced by Laszloffy, McGee, referred to State Administration.  
**HB 354**, introduced by Newman, referred to Business and Labor.  
**HB 355**, introduced by Newman, Cyr, referred to Taxation.  
**HB 356**, introduced by Harris, referred to Federal Relations, Energy, and Telecommunications.  
**HB 357**, introduced by Harris, referred to Local Government.  
**HB 358**, introduced by Lange, Laszloffy, Noennig, referred to Judiciary.  
**HB 359**, introduced by Galvin-Halcro, Bookout-Reinicke, Gillan, Lawson, Wilson, referred to Business and Labor.  
**HB 360**, introduced by Lewis, referred to State Administration.  
**HB 361**, introduced by Witt, Bergren, Hedges, Kasten, Musgrove, Pattison, Tropila, Waitschies, Tester, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 12**, introduced by Fuchs, Balyeat, Bookout-Reinicke, Everett, Fisher, Gallus, Gillan, Haines, Hawk, Hedges, Jackson, Jacobson, Lambert, Lange, Maedje, Matthews, Mendenhall, Mood, Morgan, A. Olson, Parker, Peterson, Rice, Ross, B. Ryan, Sales, Schruppf, Steinbeisser, Stoker, B. Thomas, Wagman, Witt., referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 1:30 p.m. for purpose of caucuses. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Juneau, Shockley, and Smith, excused. Quorum present.

Sergeant-at-Arms Clark introduced Thomas Jefferson (Bob Doerk) and the Lewis & Clark Honor Guard. The Honor Guard posted the colors. Thomas Jefferson led the House in the Pledge of Allegiance to the Flag and then delivered his speech.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 1** - Representative Lewis moved **HB 1** do pass.

Representative Harris moved **HB 1**, second reading copy, be amended as follows :

1. Page 1, line 15.

**Strike:** "\$2,130,881"

**Insert:** "\$2,062,881"

2. Page 1, line 16.

**Strike:** "3,449,035"

**Insert:** "3,339,035"

3. Page 1, line 17.

**Strike:** "654,510"

**Insert:** "632,510"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Brueggeman, Erickson, Forrester, Fuchs, Hawk, Wagman.

Total 6

Excused: Juneau, Shockley, Smith.

Total 3

Absent or not voting: Everett.

Total 1

Motion that **HB 1**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried,

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Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Bixby, Dowell, Erickson, Juneau, Keane, Smith, Wagman.  
Total 7

Voted Absentee: Shockley, Aye; Juneau, Smith, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 29** - Representative A. Olson moved **HB 29** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**HB 43** - Representative Cohenour moved **HB 43** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 48** - Representative Newman moved **HB 48** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Malcolm.  
Total 1

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 58** - Representative Erickson moved **HB 58** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0



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Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Smith present at this time.

**HB 62** - Representative Lehman moved **HB 62** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat.

Total 1

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman.

Total 2

**HB 67** - Representative Kaufmann moved **HB 67** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, R. Brown, Fritz, Fuchs, Gillan, Jackson, Jayne, Jent, Kasten, Lake, Laszloffy, Rice, Ryan, Sales.

Total 14

Voted Absentee: Juneau, Shockley, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 69** - Representative Smith moved **HB 69** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 70** - Representative Parker moved **HB 70** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Bitney, Fuchs.  
Total 2

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 106** - Representative Erickson moved **HB 106** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Dickenson, Franklin, Lake, Lewis, B. Olson, Wilson.  
Total 6

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**MOTIONS**

Representative R. Brown moved that the rules be suspended to allow **HB 1** be placed on third reading. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 31** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 90

Noes: Balyeat, Buzzas, Jayne, Kasten, Laszloffy, Sales, Mr. Speaker.

Total 7

Excused: Juneau, Shockley.

Total 2

Absent or not voting: Forrester.

Total 1

**HB 38** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Juneau, Shockley.

Total 2

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Absent or not voting: Forrester.  
Total 1

**HB 59** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester, Malcolm.  
Total 2

**HB 68** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Balyeat, R. Brown, Cyr, Fuchs, Hawk, Lewis, Maedje, Newman, Rice, Sales.  
Total 10

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Bitney, Forrester.  
Total 2

**HB 72** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson,

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Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 104** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat.  
Total 1

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 162** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 69

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Noes: Barrett, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fuchs, Gallus, Jayne, Kasten, Lambert, Lange, Laszloffy, Lewis, Malcolm, B. Olson, Pattison, Rice, Ripley, Ross, Sales, Schrumpf, Sinrud, Wagman, Younkin.  
Total 28

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 165** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Peterson, Ripley, Ross, Ryan, Smith, Steinbeisser, Wanzenried, Younkin, Mr. Speaker.  
Total 51

Noes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, P. Clark, Dickenson, Everett, Franklin, Fritz, Golie, Hawk, Jackson, Jayne, Jent, Kasten, Kaufmann, Lambert, Lange, Laszloffy, Lindeen, Malcolm, Mendenhall, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Sales, Schrumpf, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt.  
Total 46

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 1** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Bergren, Bixby, Dowell, Erickson, Fritz, Jent, Smith, Wagman.  
Total 8

Excused: Juneau, Shockley.  
Total 2

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Absent or not voting: Forrester.  
Total 1

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him in singing Happy Birthday to Representative Larry Lehman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, January 20, 2003. Motion carried.

House adjourned at 2:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



**HOUSE JOURNAL  
58TH LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Juneau, Shockley, and Smith, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventh and eighth legislative days, find the same to be correct.

**COMMUNICATIONS AND PETITIONS**

Speaker Mood appointed the following representative to the Legislative Consumer Council:

Representative Gary Matthews

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/17/2003  
Correctly printed: **HB 22, HB 60, HB 88, HB 123, HB 136, HB 149, HB 157, HB 161, HB 215.**  
Correctly engrossed: **HB 1, HB 23, HB 78, HB 107, HB 153.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/16/2003  
**HB 98**, introduced bill, be amended as follows:

1. Title, page 1, line 13.

**Strike:** "EXAMINATION"

**Insert:** "SPECIFIC PERFORMANCE LEVELS"

2. Page 7, line 24.

**Strike:** "an examination"

**Insert:** "specified performance levels"

And, as amended, do pass. Report adopted.

**HB 296**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 1/16/2003  
**HB 96**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/16/2003  
**HB 15**, do pass. Report adopted.  
**HB 53**, do pass. Report adopted.  
**HB 77**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "AND WHO" on line 6 through "FELONY" on line 7

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2. Title, page 1, line 9 through line 10.

**Strike:** "AGAINST" on line 9 through "GUILTY" on line 10

3. Page 1, line 15.

**Strike:** "and who did not plead guilty to the felony"

4. Page 3, line 2 through line 3.

**Strike:** "the state" on line 2 through "crime" on line 3

**Insert:** "a"

**Following:** "laboratory" on line 3

**Insert:** "of the court's choice"

5. Page 3, line 9.

**Following:** "laboratory"

**Insert:** ", if located"

**Following:** "state"

**Insert:** ", "

6. Page 3, line 25.

**Strike:** subsection (12) in its entirety

**Renumber:** subsequent subsection

7. Page 4, line 2.

**Strike:** "against a person who did not plead guilty"

**Following:** "evidence for"

**Insert:** "a minimum of"

8. Page 4, line 3.

**Strike:** "imposition of sentence"

**Insert:** "conviction in the case becomes final"

9. Page 4, line 4.

**Strike:** "imposition of sentence"

**Insert:** "conviction in the case becomes final"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/16/2003

**HB 175**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/16/2003

**SB 14**, introduced by McCarthy

**SB 49**, introduced by Shea

**SB 51**, introduced by Bohlinger

**SB 84**, introduced by Cocchiarella

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**SB 87**, introduced by Hansen  
**SB 104**, introduced by Tester  
**SB 113**, introduced by Esp  
**SB 125**, introduced by Tester

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 348**, introduced by Wanzenried, Cyr, Laslovich, Tester, referred to State Administration.  
**HB 349**, introduced by Younkin, Laible, Newman, referred to Judiciary.  
**HB 350**, introduced by Cohenour, referred to Judiciary.  
**HB 351**, introduced by Lange, referred to Natural Resources.  
**HB 352**, introduced by Laszloffy, P. Clark, Lange, Mood, Wagman, referred to Fish, Wildlife and Parks.  
**HB 353**, introduced by Laszloffy, McGee, referred to State Administration.  
**HB 354**, introduced by Newman, referred to Business and Labor.  
**HB 355**, introduced by Newman, Cyr, referred to Taxation.  
**HB 356**, introduced by Harris, referred to Federal Relations, Energy, and Telecommunications.  
**HB 357**, introduced by Harris, referred to Local Government.  
**HB 358**, introduced by Lange, Laszloffy, Noennig, referred to Judiciary.  
**HB 359**, introduced by Galvin-Halcro, Bookout-Reinicke, Gillan, Lawson, Wilson, referred to Business and Labor.  
**HB 360**, introduced by Lewis, referred to State Administration.  
**HB 361**, introduced by Witt, Bergren, Hedges, Kasten, Musgrove, Pattison, Tropila, Waitschies, Tester, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 12**, introduced by Fuchs, Balyeat, Bookout-Reinicke, Everett, Fisher, Gallus, Gillan, Haines, Hawk, Hedges, Jackson, Jacobson, Lambert, Lange, Maedje, Matthews, Mendenhall, Mood, Morgan, A. Olson, Parker, Peterson, Rice, Ross, B. Ryan, Sales, Schruppf, Steinbeisser, Stoker, B. Thomas, Wagman, Witt., referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 1:30 p.m. for purpose of caucuses. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Juneau, Shockley, and Smith, excused. Quorum present.

Sergeant-at-Arms Clark introduced Thomas Jefferson (Bob Doerk) and the Lewis & Clark Honor Guard. The Honor Guard posted the colors. Thomas Jefferson led the House in the Pledge of Allegiance to the Flag and then delivered his speech.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 1** - Representative Lewis moved **HB 1** do pass.

Representative Harris moved **HB 1**, second reading copy, be amended as follows:

1. Page 1, line 15.

**Strike:** "\$2,130,881"

**Insert:** "\$2,062,881"

2. Page 1, line 16.

**Strike:** "3,449,035"

**Insert:** "3,339,035"

3. Page 1, line 17.

**Strike:** "654,510"

**Insert:** "632,510"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Brueggeman, Erickson, Forrester, Fuchs, Hawk, Wagman.

Total 6

Excused: Juneau, Shockley, Smith.

Total 3

Absent or not voting: Everett.

Total 1

Motion that **HB 1**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried,

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Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Bixby, Dowell, Erickson, Juneau, Keane, Smith, Wagman.  
Total 7

Voted Absentee: Shockley, Aye; Juneau, Smith, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 29** - Representative A. Olson moved **HB 29** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**HB 43** - Representative Cohenour moved **HB 43** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 48** - Representative Newman moved **HB 48** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Malcolm.  
Total 1

Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 58** - Representative Erickson moved **HB 58** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

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Voted Absentee: Juneau, Shockley, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Smith present at this time.

**HB 62** - Representative Lehman moved **HB 62** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat.

Total 1

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman.

Total 2

**HB 67** - Representative Kaufmann moved **HB 67** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, R. Brown, Fritz, Fuchs, Gillan, Jackson, Jayne, Jent, Kasten, Lake, Laszloffy, Rice, Ryan, Sales.

Total 14

Voted Absentee: Juneau, Shockley, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 69** - Representative Smith moved **HB 69** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 70** - Representative Parker moved **HB 70** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Bitney, Fuchs.  
Total 2

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**HB 106** - Representative Erickson moved **HB 106** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Shockley, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Dickenson, Franklin, Lake, Lewis, B. Olson, Wilson.  
Total 6

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**MOTIONS**

Representative R. Brown moved that the rules be suspended to allow **HB 1** be placed on third reading. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 31** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 90

Noes: Balyeat, Buzzas, Jayne, Kasten, Laszloffy, Sales, Mr. Speaker.

Total 7

Excused: Juneau, Shockley.

Total 2

Absent or not voting: Forrester.

Total 1

**HB 38** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Juneau, Shockley.

Total 2

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Absent or not voting: Forrester.  
Total 1

**HB 59** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester, Malcolm.  
Total 2

**HB 68** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Balyeat, R. Brown, Cyr, Fuchs, Hawk, Lewis, Maedje, Newman, Rice, Sales.  
Total 10

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Bitney, Forrester.  
Total 2

**HB 72** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson,

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Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 104** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat.  
Total 1

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 162** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 69

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Noes: Barrett, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fuchs, Gallus, Jayne, Kasten, Lambert, Lange, Laszloffy, Lewis, Malcolm, B. Olson, Pattison, Rice, Ripley, Ross, Sales, Schrumpf, Sinrud, Wagman, Younkin.  
Total 28

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 165** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Peterson, Ripley, Ross, Ryan, Smith, Steinbeisser, Wanzenried, Younkin, Mr. Speaker.  
Total 51

Noes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, P. Clark, Dickenson, Everett, Franklin, Fritz, Golie, Hawk, Jackson, Jayne, Jent, Kasten, Kaufmann, Lambert, Lange, Laszloffy, Lindeen, Malcolm, Mendenhall, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Sales, Schrumpf, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt.  
Total 46

Excused: Juneau, Shockley.  
Total 2

Absent or not voting: Forrester.  
Total 1

**HB 1** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Bergren, Bixby, Dowell, Erickson, Fritz, Jent, Smith, Wagman.  
Total 8

Excused: Juneau, Shockley.  
Total 2

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Absent or not voting: Forrester.  
Total 1

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him in singing Happy Birthday to Representative Larry Lehman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, January 20, 2003. Motion carried.

House adjourned at 2:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 21, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the ninth and tenth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/20/2003

Correctly printed: **HB 28, HB 63, HB 126, HB 167, HB 208, HB 217, HB 232, HB 248.**

Correctly engrossed: **HB 44, HB 54, HB 94, HB 127, HB 145, HB 156, HB 168, HB 187, HB 188, HB 207, HB 238, HJR 9.**

**APPROPRIATIONS** (Lewis, Chairman): 1/21/2003

**HB 261**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/20/2003

**HB 164**, introduced bill, be amended as follows:

1. Page 2, line 10.

**Strike:** "a claim for benefits filed "

**Insert:** "injuries that occur"

And, as amended, do pass. Report adopted.

**HB 315**, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman): 1/20/2003

**HJR 5**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "THE CITY OF HELENA"

**Insert:** "LEWIS AND CLARK COUNTY"

2. Title, page 1, line 9.

**Following:** "REGENTS"

**Insert:** "UNTIL THE BONDS ARE RETIRED"

3. Page 1, line 22.

**Strike:** "the City of Helena"

**Insert:** "Lewis and Clark County"

4. Page 1, line 27.

**Strike:** "the City of Helena"

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**Insert:** "Lewis and Clark County"

5. Page 1, line 30.

**Following:** "Regents"

**Insert:** "until the bonds are retired"

6. Page 2, lines 2 and 3.

**Strike:** "Mayor of Helena"

**Insert:** "Board of County Commissioners of Lewis and Clark County"

And, as amended, be adopted. Report adopted.

**HJR 6**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):  
**HB 51**, introduced bill, be amended as follows:

1/20/2003

1. Title, page 1, line 10.

**Following:** "SECTIONS"

**Insert:** "39-3-406,"

2. Title, page 1, line 11.

**Following:** "50-5-1202,"

**Insert:** "50-8-101,"

**Following:** "52-3-811,"

**Insert:** "53-6-101,"

3. Page 1, line 15.

**Following:** the enacting clause

**Insert:** "**Section 1.** Section 39-3-406, MCA, is amended to read:

**"39-3-406. Exclusions.** (1) The provisions of 39-3-404 and 39-3-405 do not apply with respect to:

- (a) students participating in a distributive education program established under the auspices of an accredited educational agency;
- (b) persons employed in private homes whose duties consist of menial chores, such as babysitting, mowing lawns, and cleaning sidewalks;
- (c) persons employed directly by the head of a household to care for children dependent upon the head of the household;
- (d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a dependent;
- (e) persons who are not regular employees of a nonprofit organization and who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis;
- (f) persons with disabilities engaged in work that is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;
- (g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment;
- (h) learners under the age of 18 who are employed as farm workers, provided that the exclusion may not exceed 180 days from their initial date of employment and further provided that during this exclusion period, wages paid the learners may not be less than 50% of the minimum wage rate established in this part;
- (i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;
- (j) an individual employed in a bona fide executive, administrative, or professional capacity, as these



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terms are defined by regulations of the commissioner, or in an outside sales capacity, as defined in 29 CFR 541.5;

(k) an individual employed by the United States of America;

(l) resident managers employed in lodging establishments or ~~personal-care~~ assisted living facilities who, under the terms of their employment, live in the establishment or facility;

(m) a direct seller as defined in 26 U.S.C. 3508;

(n) a person placed as a participant in a public assistance program authorized by Title 53 into a work setting for the purpose of developing employment skills. The placement may be with either a public or private employer. The exclusion does not apply to an employment relationship formed in the work setting outside the scope of the employment skills activities authorized by Title 53.

(o) a person serving as a foster parent, licensed as a foster care provider in accordance with 52-2-621, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and recreational activities, and providing for other needs and activities arising in the provision of in-home foster care.

(p) an employee employed in domestic service employment to provide live-in companionship services, as defined in 29 CFR 552.6, for individuals who, because of age or infirmity, are unable to care for themselves as provided under section 213(a)(15) of the Fair Labor Standards Act, 29 U.S.C. 213.

(2) The provisions of 39-3-405 do not apply to:

(a) an employee with respect to whom the United States secretary of transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 31502;

(b) an employee of an employer subject to 49 U.S.C. 10501 and 49 U.S.C. 60501, the provisions of part I of the Interstate Commerce Act;

(c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;

(d) a salesperson, parts person, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if the salesperson, parts person, or mechanic is employed by a nonmanufacturing establishment primarily engaged in the business of selling the vehicles or implements to ultimate purchasers;

(e) a salesperson primarily engaged in selling trailers, boats, or aircraft if the salesperson is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

(f) a salesperson paid on a commission or contract basis who is primarily engaged in selling advertising for a radio or television station employer;

(g) an employee employed as a driver or driver's helper making local deliveries who is compensated for the employment on the basis of trip rates or other delivery payment plan if the commissioner finds that the plan has the general purpose and effect of reducing hours worked by the employees to or below the maximum workweek applicable to them under 39-3-405;

(h) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are not owned or operated for profit, that are not operated on a sharecrop basis, and that are used exclusively for supply and storing of water for agricultural purposes;

(i) an employee employed in agriculture by a farmer, notwithstanding other employment of the employee in connection with livestock auction operations in which the farmer is engaged as an adjunct to the raising of livestock, either alone or in conjunction with other farmers, if the employee is:

(i) primarily employed during a workweek in agriculture by a farmer; and

(ii) paid for employment in connection with the livestock auction operations at a wage rate not less than that prescribed by 39-3-404;

(j) an employee of an establishment commonly recognized as a country elevator, including an establishment that sells products and services used in the operation of a farm if no more than five employees are employed by the establishment;

(k) a driver employed by an employer engaged in the business of operating taxicabs;

(l) an employee who is employed with the employee's spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in

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the institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as the employee and the employee's spouse reside in the facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;

(m) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by the employer in the forestry or lumbering operations does not exceed eight;

(n) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1);

(o) an employee of a municipal or county government who is working under a work period not exceeding 40 hours in a 7-day period established through a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 40 hours in a 7-day, 40-hour work period must be compensated at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(p) an employee of a hospital or other establishment primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work period not exceeding 80 hours in a 14-day period established through either a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 8 hours a day or 80 hours in a 14-day period must be compensated for at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(q) a firefighter who is working under a work period established in a collective bargaining agreement entered into between a public employer and a firefighters' organization or its exclusive representative;

(r) an officer or other employee of a police department in a city of the first or second class who is working under a work period established by the chief of police under 7-32-4118;

(s) an employee of a department of public safety working under a work period established pursuant to 7-32-115;

(t) an employee of a retail establishment if the employee's regular rate of pay exceeds 1 1/2 times the minimum hourly rate applicable under section 206 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206, and if more than half of the employee's compensation for a period of not less than 1 month is derived from commissions on goods and services;

(u) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101;

(v) an employee employed as a radio announcer, news editor, or chief engineer by an employer in a second- or third-class city or a town;

(w) an employee of the consolidated legislative branch as provided in 5-2-503;

(x) an employee of the state or its political subdivisions employed, at the employee's option, on an occasional or sporadic basis in a capacity other than the employee's regular occupation. Only the hours that the employee was employed in a capacity other than the employee's regular occupation may be excluded from the calculation of hours to determine overtime compensation.""

**Renumber:** subsequent sections

4. Page 2, line 14.

**Following:** "services"

**Strike:** "designed" through "safety"

5. Page 8, line 4.

**Following:** "professional"

**Insert:** "or a licensed practical nurse"

6. Page 10, line 2.

**Following:** "has a"

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**Insert:** "severe"

**Following:** "impairment"

**Insert:** "that renders the resident incapable of expressing needs or of making basic care decisions"

7. Page 10, line 3.

**Following:** "without"

**Insert:** "regard for"

8. Page 10, line 4.

**Following:** "(c)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (4)(b), the"

9. Page 10, line 15.

**Strike:** "physician"

**Insert:** "practitioner"

10. Page 12, line 17.

**Insert:** "**Section 7.** Section 50-8-101, MCA, is amended to read:

**"50-8-101. Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Facility" means:

(a) nonmedical facilities including:

(i) mental health transitional living facilities; and

(ii) inpatient freestanding or intermediate transitional living facilities for alcohol or drug treatment or emergency detoxification;

(b) community homes for persons with developmental disabilities, community homes for physically disabled persons, and adult foster family care homes;

(c) youth care facilities;

(d) public accommodations, including roominghouses, retirement homes, hotels, and motels;

(e) health care facilities or services, including hospitals, skilled and intermediate nursing home services, and intermediate care nursing home services for the mentally retarded;

(f) freestanding medical facilities or care, including infirmaries, kidney treatment centers, and home health agencies; and

(g) ~~personal-care~~ assisted living facilities.

(3) "Inspecting authority" means the department or agency authorized by statute to perform a given inspection necessary for certification for licensure.

(4) "Licensing agency" means the agency that is authorized by statute to issue the license.""

**Renumber:** subsequent sections

11. Page 14, line 7.

**Insert:** "**Section 10.** Section 53-6-101, MCA, is amended to read:

**"53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall administer the Montana medicaid program.

(2) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in

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33-22-132;

- (d) skilled nursing services in long-term care facilities;
  - (e) physicians' services;
  - (f) nurse specialist services;
  - (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;
  - (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
  - (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
  - (j) services that are provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
  - (k) health services provided under a physician's orders by a public health department; and
  - (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).
- (3) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:
- (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
  - (b) home health care services;
  - (c) private-duty nursing services;
  - (d) dental services;
  - (e) physical therapy services;
  - (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 2;
  - (g) clinical social worker services;
  - (h) prescribed drugs, dentures, and prosthetic devices;
  - (i) prescribed eyeglasses;
  - (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
  - (k) inpatient psychiatric hospital services for persons under 21 years of age;
  - (l) services of professional counselors licensed under Title 37, chapter 23;
  - (m) hospice care, as defined in 42 U.S.C. 1396d(o);
  - (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
  - (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and
  - (p) any additional medical service or aid allowable under or provided by the federal Social Security Act.
- (4) Services for persons qualifying for medicaid under the medically needy category of assistance as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the medically needy category of assistance.
- (5) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than

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21 years of age is entitled to full medicaid coverage.

(6) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(7) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(8) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(9) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(11) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted under this chapter.

(13) Medicaid payment for ~~personal-care~~ assisted living facilities may not be made unless the department certifies to the director of the governor's office of budget and program planning that payment to this type of provider would, in the aggregate, be a cost-effective alternative to services otherwise provided.""

**Renumber:** subsequent section

12. Page 14, line 20.

**Insert:** "NEW SECTION. Section 12. Name change -- directions to code commissioner. Wherever a reference to a personal-care facility appears in legislation enacted by the 2003 legislature, the code commissioner is directed to change it to a reference to an assisted living facility."

And, as amended, do pass. Report adopted.

**HB 279**, introduced bill, be amended as follows:

1. Page 1, lines 20 and 21.

**Strike:** "are payable" on line 20 through "from" on line 21

**Insert:** "must be billed to"

2. Page 1, line 22.

**Strike:** "a"

**Insert:** "the respondent's"

And, as amended, do pass. Report adopted.

**HJR 3**, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/20/2003

**HB 170**, introduced bill, be amended as follows:

1. Page 3, line 1.

**Following:** "sentence"

**Insert:** "; however, any new or modified conditions must be within the scope of the conditions of the original sentence"

And, as amended, do pass. Report adopted.

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**STATE ADMINISTRATION** (Barrett, Chairman):  
**HB 109**, introduced bill, be amended as follows:

1/21/2003

1. Title, page 1, line 11.

**Following:** ";

**Insert:** "REQUIRING A REPORT TO THE 59TH LEGISLATURE;"

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 3.

**Following:** "report to the"

**Insert:** "59th"

3. Page 2.

**Following:** line 13

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2004."

And, as amended, do pass. Report adopted.

**HB 309**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 93**, introduced bill, be amended as follows:

1/21/2003

1. Title, line 4.

**Following:** "ACT"

**Insert:** "REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES"

**Following:** "THE"

**Insert:** "EARLY"

2. Title, line 5.

**Strike:** "180" through "DATE"

3. Page 1, line 10.

**Strike:** "early reregistration --"

**Following:** "rules"

**Insert:** " -- early reregistration"

4. Page 1, line 13.

**Strike:** "(5)"

**Insert:** "(4)"

5. Page 1, line 23 through line 25.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

6. Page 1, line 27.

**Following:** "vehicles."

**Insert:** "The rules adopted by the department pursuant to this section must also allow early reregistration of motor vehicles that are subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee as provided in 61-3-560 and 61-3-561 when an owner of a motor vehicle presents extenuating

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circumstances."

And, as amended, do pass. Report adopted.

**HB 112**, do pass. Report adopted.

**HB 189**, introduced bill, be amended as follows:

1. Page 4, line 15.

**Strike:** "When"

**Insert:** "Except as provided in subsection (4), when"

2. Page 5, line 2.

**Strike:** "or amber"

**Following:** "and"

**Strike:** "amber"

**Insert:** "colorless"

3. Page 5.

**Following:** line 18

**Insert:** "(4) A person operating a bicycle may wear:

(a) the lamps required in subsections (1)(a) and (1)(b) on the person's head or clothing instead of those lamps being attached to the bicycle; and

(b) reflective leg bands on the person's legs instead of the reflectors on the pedals required in subsection (1)(f)."

4. Page 7, line 10.

**Strike:** "The"

**Insert:** "Unless otherwise allowed in this part, the"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/20/2003

**SB 36**, introduced by Grimes

**SB 56**, introduced by Keenan

**SB 64**, introduced by Keenan

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 374**, introduced by Gibson, referred to Education.

**HB 375**, introduced by Matthews, referred to State Administration.

**HB 376**, introduced by B. Olson, Lawson, A. Olson, Ripley, referred to Taxation.

**HB 377**, introduced by Younkin, Bohlinger, R. Brown, Brueggeman, DePratu, Fuchs, Grimes, Keenan, Lake, Laszloffy, Mahlum, Mood, Pattison, F. Thomas, Wanzenried, referred to Federal Relations, Energy, and Telecommunications.

**HB 378**, introduced by Small-Eastman, referred to Agriculture.

**HB 379**, introduced by Ripley, Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown,

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Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Jackson, Kasten, Lambert, Lehman, Maedje, Mahlum, Matthews, McCarthy, McGee, McKenney, McNutt, Mendenhall, Mood, Nelson, O'Neil, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Shea, Sinrud, Smith, Steinbeisser, Tester, B. Thomas, F. Thomas, Waitschies, Windy Boy, Witt, Younkin, referred to Agriculture.

**HB 380**, introduced by Lindeen, referred to Natural Resources.

**HB 381**, introduced by Fuchs, Andersen, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Facey, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hedges, Jackson, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Matthews, Mendenhall, Mood, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, B. Ryan, Sales, Schrumpf, Shockley, Sinrud, B. Thomas, Wagman, Witt, Younkin, referred to Taxation.

**HB 382**, introduced by Windy Boy, Bixby, Hansen, Jayne, Juneau, Pease, Small-Eastman, Smith, referred to State Administration.

**HB 383**, introduced by Facey, Raser, referred to Local Government.

**HB 384**, introduced by McKenney, referred to Business and Labor.

**HB 385**, introduced by Fritz, referred to Transportation.

**HB 386**, introduced by Stoker, referred to Human Services.

**HB 387**, introduced by Morgan, referred to Business and Labor.

**HB 388**, introduced by Lake, Fuchs, Hurwitz, Lambert, Peterson, Ross, Younkin, referred to Natural Resources.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:08 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the chair. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 89** - Representative A. Olson moved **HB 89** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 35

Excused: None.

Total 0



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Absent or not voting: None.  
Total 0

**HB 15** - Representative Newman moved **HB 15** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 188** - Representative Devlin moved **HB 188** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin.  
Total 86

Noes: Brueggeman, P. Clark, Jayne, Laszloffy, Lindeen, Maedje, Malcolm, Newman, Sales, Sinrud, Small-Eastman, Wanzenried, Mr. Speaker.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**HB 108** - Representative A. Olson moved **HB 108** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher,

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Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, R. Brown, Carney, Dickenson, Erickson, Jayne, Juneau, Raser, Sales, Small-Eastman.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 123** - Representative P. Clark moved **HB 123** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Erickson, Gillan, Jayne, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Golie.  
Total 1

**HB 128** - Representative Rice moved **HB 128** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

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Noes: R. Brown, Morgan.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**HB 149** - Representative Hedges moved **HB 149** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 153** - Representative Ballantyne moved **HB 153** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Lambert.

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Total 1

**HB 157** - Representative Haines moved **HB 157** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Kasten, Lambert.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 159** - Representative Haines moved **HB 159** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Fisher, Fuchs, Golie, Kasten, Laszloffy, Malcolm, Pattison, Rice, Ripley, Sales, Wagman, Waitschies, Younkin.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 161** - Representative Matthews moved **HB 161** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten,

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Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Lake.  
Total 1

**HB 169** - Representative Keane moved **HB 169** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 75

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Golie, Kasten, Lambert, Lange, Lewis, Malcolm, A. Olson, Pattison, Peterson, Ripley, Sales, Sinrud, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 25

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wilson moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 98

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 22** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bitney, Windy Boy.

Total 2

**HB 23** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 98

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Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 25** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin.  
Total 86

Noes: Balyeat, Everett, Fisher, Fuchs, Kasten, Laszloffy, Noennig, A. Olson, Rice, Shockley, Smith, Wagman, Mr. Speaker.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 78** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 83** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby, Wagman, Windy Boy.

Total 3

**HB 84** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 102** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,



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Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 132** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, R. Brown, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**MOTIONS**

Majority Leader Brown moved that the House recess until 6:10 p.m. for the Governor's State of the State address and that, following the Governor's address, the House stand adjourned until 1:00 p.m., Wednesday, January 22, 2003. Motion carried.

House recessed at 3:20 p.m.

**SPECIAL ORDERS OF THE DAY**

House reconvened at 6:10 p.m. Mr. Speaker in the chair. All members present. Quorum present.

Sergeant-at-arms Clark escorted the Senate into the House chamber.

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Speaker Mood introduced President Keenan and yielded the chair to him.

Senator Thomas moved that the President appoint an escort committee of four to notify the Governor that the Senate and House of Representatives are in joint session and ready to receive her State of the State address. Motion carried.

President Keenan appointed Senator Sprague, Senator Nelson, Representative Andersen and Representative Clark to escort the Governor to the House chamber.

The colors were posted by Captain Flaherty and members of the Montana National Guard. President Keenan led the joint session in the Pledge of Allegiance.

Sergeant-at-arms Clark escorted the members of the National Guard from the chamber.

Invocation was given by Joe Morstein of Dillon, brother of Governor Martz.

Sergeant-at-arms Clark admitted the escort committee and Governor Martz into the House chamber. President Keenan introduced Governor Martz to the joint session, and the Governor gave the following speech:

Thank you very much. President Keenan, Speaker Mood, Lt. Governor Ohs, Tribal Chairmen, Distinguished members of the House and Senate, fellow elected officials, honored guests, my fellow Montanans:

What an honor and privilege it is to address you tonight to discuss our administration's continued commitment to strong families, faith in each other, freedom for all, and a prosperous future.

We are in a dynamic and changing time.

While our nation experiences the continued challenges of an economic recession... Montana is moving forward.

Granted, we have our differences and problems to solve. It's that diversity that makes us strong. But first and foremost, we have much to be thankful for.

I am so thankful for family. Montana's first family - Harry, Justin, Stacey, my mom and dad in Billings, and my brother Joe, who has joined me here this evening. I'm thankful for friends, neighbors and our fellow Montanans.

We are so blessed in this Montana with a strong work ethic and resilience demonstrated by our dedicated public servants.

We are blessed with great teachers, whose hard work ensures that our children receive an outstanding education, and our public and private schools of higher education are recognized for their cutting edge research and programs.

We are blessed with quality medical care for our citizens.

We are blessed with outstanding military personnel, police, EMT's, firefighters and others who work every single day to keep us safe and protect our freedom at home and abroad. To all these men and women, we extend a very special thanks.

We are blessed with great athletes like our Cats and our Griz, who are among the best in the country and... our Fighting Saints are Number One!

Finally, and most importantly, we have a great faith in each other.

Are we blessed? You bet we are. Because we're Montanans... first, most and always.

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We are gathered in this chamber as representatives of the people.

And while we come with different ideas and different views, I have faith that we will find the common ground and build a better future for our Montana families.

That is what the people expect of us. We owe it to them – and ourselves.

Our job is to find solutions – not place blame.

We are faced with a daunting task. But I have faith that we will prevail... because, no matter our differences, we are all Montanans.

Despite the budget clouds we face together, there are brighter days in the forecast.

State of the Economy

For example, Montana's unemployment rate stood at only 4.4% in November – well below the national average of six percent and the lowest for a November in 30 years. And wages rose over 4% - nearly double the rate of inflation.

Job growth in Montana is well ahead of the national economy. In fact, 9,000 new jobs were created in the state since November of 2001. And, according to economy.com, we now rank 4<sup>th</sup> nationally in projected job growth.

Even when faced with our budget difficulties, Montana's economy as a whole reflects our character to persevere. We will move our economy forward. We're making progress... and why?

Because we have a workforce that is prepared for the jobs of the future.

Because we have the foresight and the commitment of individuals in this room who know that we need to create an environment for business to grow – and for individuals to prosper.

Because we have a can-do attitude. Montanans can beat the odds... and turn that attitude into action.

And we must do more.

Because, when it comes to our economy, 'good enough' is never enough. Our unemployment rate may well be only 4.4%, but for those who are unemployed it is still 100%.

And many Montanans are still underemployed. These are highly skilled workers, available and ready for good jobs. But we need the jobs here that match those skills.

Because Montanans are what makes Montana great.

So, on their behalf, just as Lewis and Clark began their journey 200 years ago, together, let us take this legislative journey – confident that our state will be better for the efforts we undertake today.

And if the past is any indication... the ingenuity, strength, and fortitude of Montanans will ensure that our future is bright.

Economic Development

When I talked about the state of our state two years ago, I told you that government can no longer be a barrier to business, and since then, we have put the full force of my office behind ensuring that businesses are not hindered,

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but instead assisted by their government.

With your support, we reorganized the Department of Commerce to be more business friendly, and with your support, we created the Governor's Office of Economic Opportunity.

With the framework for change in place, we are creating the government environment necessary for businesses to stay and grow here... because government doesn't create jobs; people do.

We've teamed up with State Auditor John Morrison to encourage more venture capital investment in our state.

We redesigned our business website, bizmt.com, to provide critical information to the business community... and through discoveringmontana.com you can register your business through Secretary of State Bob Brown's office, and file your taxes with the Department of Revenue.

Why is this important? Because, in this era of dramatic change and e-commerce, information must be readily available.

This technology eliminates the barriers of time and distance; and draws us even further into the world economy. And our global opportunities are expanded through the work of our state trade representatives in Japan and Taiwan.

Companies like Smith Equipment of Belgrade and MSE Technologies of Butte have grown their businesses with the expertise of these professionals.

And, along with Senator Jon Tester and others, companies like Timeless Seeds of Conrad are marketing organic ag products to our Pacific Rim neighbors as well, and have established Montana as the premier source for those goods.

We have a wonderful relationship with our neighbors in Taiwan, and we are honored to have with us this evening Jack Chiang, who is the director general of the Taipei Economic and Cultural Affairs Office in Seattle. Please welcome Mr. Chiang.

Another element of economic progress is tourism. Out-of-state travelers add nearly ½ million dollars per day to our state's economy.

That's powerful economic activity.

I want to thank those Montanans involved with tourism and recreation who had the foresight to plan ahead and identify efforts to improve Montana's economy.

Our economic development efforts are sharply focused, and we have outlined major initiatives for our state in the coming years.

These initiatives are built on hard work – not quick fixes. They are crafted with an eye toward what Montana should look like in two decades... not just two years.

With your support, we will move Montana's economy forward.

First, we'll focus our economic improvement resources on those industries that bring a competitive advantage to our great state.

We'll provide our citizens with the training needed to be even more productive workers, earning higher wages.

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We'll focus on strengthening relationships between private industry, the university system and government to meet the needs of our business community.

And, we must create a competitive tax and regulatory structure to ensure Montana businesses remain here and grow, because as businesses prosper... Montana prospers.

In order to accomplish these goals, I ask you to pass four bills.

The first, requested by Senator Royal Johnson and presented by Representative Monica Lindeen, will enhance the ability of businesses to fund work-force training.

Senate Bill 115, sponsored by Senator Dale Mahlum, will extend the statutory appropriation for key economic development programs.

Senate Bill 131, sponsored by Senator Greg Barkus, provides better access to the dollars needed for businesses to expand by allowing the Board of Investments to better support local economic development organization and local revolving loan programs.

And House Bill 76, sponsored by Representative Joe McKenney, helps state and local governments create a truly regional approach to job growth.

Montana is a state in transition. But transition does not mean we leave behind the industries that brought us here.

Transition means transformation. We are transforming our traditional industries to a new economic model, a model that is built on the creativity of our people and the responsible use of the resources God gave us.

And, we are attracting new partners. Partners who seek a location with a quality workforce, good schools, safe communities, affordable energy, efficient government and quality medical care.

One of those businesses is Anheuser Busch. They have made a commitment to provide top quality barley for their products – and thanks to the concerted efforts of state and local governments, they are now sourcing that barley in Sidney.

And there are others.

Companies like Montana Flour and Grains in Choteau, John R. Daily in Missoula, and Western Sugar in Billings are providing quality jobs as well.

As we support existing businesses, we also welcome new ones. Companies such as the Montana Shepherd's Market in Hamilton, Montana Legend Brand Meats in Roscoe, and Montana Natural Lamb in Reedpoint are joining with us to develop innovative value-added ventures all across Montana.

These businesses not only process the fruits of our land, but the products of our people's hard work as well.

And, tonight, after more than a year of work by a new business to Montana, in coordination with the Montana Department of Agriculture; the Governor's Office of Economic Opportunity; the Departments of Commerce; Natural Resources; Environmental Quality; Transportation; Fish, Wildlife and Parks; and local economic development groups, the City of Great Falls, Cascade County and our office, I'm excited to announce that Froedtert Malt, a Division of International Malting Company, LLC has made the decision to locate a malt facility in Great Falls, Montana!

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This is a \$75 million project with a 16 million bushel capacity. The facility will have an annual impact of \$64 million to the state's ag economy, bringing good-paying jobs to Great Falls, Montana.

Please join me in welcoming David Brunette, the company's director of manufacturing operations, and in thanking International Malting Company for choosing Great Falls as their business home. The commitment of the community, and state and local government to this project truly shows that hard work and cooperation pays off for the citizens of our great state.

Natural Resources

And, as we work to strengthen our economy, we will continue to support our traditional industries - those that support our logging and mining families, our farmers and ranchers.

We WILL NOT forget the industries that built this state, and we are working closely with President Bush to bring common sense back to forest management.

We must manage our forests to reduce the risk of catastrophic fires. We will achieve that goal by giving the right tools to the forest managers and private businesses.

In the process, we will bring back good logging jobs to communities like Hamilton and Stevensville, Seeley Lake and Frenchtown.

As chair of the Western Governors Association, I am bringing a Healthy Forest Summit to Montana in June. Western governors will come together to focus on a path we should take to improve the health of our forests and the health of our communities.

We must also be a part of our nation's energy solutions, and we are actively seeking ways to utilize our resources in an environmentally responsible manner.

I support the responsible development of coal bed natural gas, and I am confident that all stakeholders will work together to ensure that it's done right.

In the last year, we have seen plans to develop power plants in Great Falls, Butte and Roundup that will create jobs, and provide additional energy to Montana and our country. We also received the patent to the Otter Creek Tracts - that are a source of quality coal. I have established an internal working group to address the issues and opportunities surrounding coal development on those tracts, while maximizing revenues for our school children from their responsible development.

Two years ago, plans were in motion to ban all snowmobiles from Yellowstone National Park. Since then, we have worked with the Bush Administration to allow cleaner, quieter snowmobiles back in the Park, so we can all experience the beauty of this national treasure in its winter splendor while protecting its incredible resources.

Tax Reform

As we continue to make room for both traditional businesses and the companies of a new economy, we must recognize that our current tax structure overly burdens both.

Two years ago, I said we would work to make Montana's tax structure conducive to job growth and economic success. Tonight I am asking for your passage of our tax reform proposal that restructures our tax policy and lets our visitors pay their share.

As you know, Montana has one of the highest capital gains tax rates and the highest stated income tax rate in the nation. Our plan reduces capital gains rates, encouraging more investment in Montana.

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Our plan reduces personal income taxes by an average of 10 percent for all classes of Montana taxpayers, so hardworking families can keep more of what they earn.

New Mexico's new governor - Democrat Bill Richardson - is calling for cuts to their 8.2% income tax rate, saying it's too high. If their 8.2 is too high, what does that say about our 11 percent?

We will offset those tax reductions with a limited tax on certain items that will be paid in part by Montanans, but to a large degree by nonresidents, who enjoy the treasures of our great state.

Our plan also includes a voter-approved local-option tax to help communities relieve the property tax burden on local residents, and to provide opportunities for local economic development.

As we address this plan, we will work with you to help mitigate the effects of property tax reappraisal for our Montana families.

I stand firm in my resolve. I want permanent tax reform that creates an environment for higher-paying jobs that will be a welcome relief for Montanans. We rank 46<sup>th</sup> in per capita income, and if we don't reform our tax structure we will still be there... or lower... a decade from now. That is simply not acceptable.

Our plan welcomes and keeps businesses here, rather than shutting the doors to growth. It provides opportunities for investment, rather than taking money from our small employers, investors, ranchers and farmers and entrepreneurs, because when they succeed, Montana succeeds.

#### Higher Education

But even with tax reform, economic development does not happen without a quality workforce. Montana's University system is a critical part of creating a high quality workforce.

I would like to welcome Carrol Krause as the interim commissioner of Higher Education, and thank former state representative Lila Taylor for agreeing to serve on the Board of Regents. Lila's strong background in our state's largest industry – agriculture – will be a welcome addition to the Board.

I have faith that, with their guidance and that of the other regents, we will strengthen our future workforce and our future leaders.

And, we will continue to transfer technology from the University System to businesses that create the jobs.

Our quality educational system is improving our workforce; and technology is compressing the miles, enabling Montana companies to do business globally.

#### K-12 Public Education

At the same time, we must do everything possible to maintain a quality K-12 education system for our children.

Education is and always will be a top priority for me and our administration. I have faith that we can work together to preserve and strengthen Montana's excellent education system.

Lt. Governor Karl Ohs has been our administration's leader on education issues. Karl, thank you for your work on behalf of our state's children.

Two years ago, I asked the legislature to focus on the 3-R's – recruiting, retaining and rewarding our outstanding teachers. There is no greater profession than the education of our children, and no greater gift an individual can give than to positively impact the life of a child. Let's all applaud our state's teachers for the job they do.

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We must encourage the best and brightest teachers to stay here. We have partnered with School Superintendent Linda McCulloch to bring forward legislation to help repay student loans for new teachers who choose to make Montana home.

Representative Alan Olson's House Bill 107 does just that, serving as a vehicle to help new teachers like Jody Magerius, who was born and raised in Conrad, to stay home, rather than seeking a position in another state.

Please join me in welcoming Jody, and seeing that she stays here in Montana.

I thank the House of Representatives for acting quickly on this legislation, and I urge the Senate to do likewise.

We can also retain our talented teachers by addressing the rising costs of healthcare.

On behalf of educators in Montana, I urge you to send me HB 302, sponsored by Representative Dave Lewis and developed in partnership with the education community. This legislation creates a statewide teachers' insurance pool to keep costs down for our schools.

When it comes to our schools, dollars alone don't always make the difference.

Funding is important, and so is funding reform. I ask you to pass legislation sponsored by Representative Roy Brown to help ensure that schools faced with declining enrollments don't sacrifice a quality education to meet their fixed costs.

I am also asking you to pass legislation confirming your support for a school renewal commission. My office will sponsor this commission jointly with the Board of Public Education. This group will be charged with offering substantive solutions to the next legislature on every way schools operate, building on prior studies to get the job done for Montana students.

Please join me in thanking the Board's chair, Dr. Kirk Miller, and all board members for their dedication to students, parents and educators all across Montana.

Our children are the future of this state, and I want to thank the legislative leadership for placing such a high priority on K-12 education that you have restored funding to my budget levels... because we will accept nothing less.

We also need the help of our students in teaching one another. That is why I'm pleased that, with the partnership of student leaders, we will hold a Youth Tobacco Prevention Summit in Helena this spring. Working together, we will ensure a tobacco-free graduating high school class by 2015.

**Substance Abuse**

But, as we all know, substance abuse spreads far beyond our children, and affects the lives of all too many Montana families.

Every day, we read and hear of tragic stories involving the use of methamphetamines and other drugs. I support Senator Mike Cooney's legislation to toughen our meth laws and protect our children.

In partnership with Attorney General Mike McGrath, we formed the Alcohol, Tobacco and Other Drug Control Policy Task Force under the leadership and guidance of Senator Duane Grimes.

Their creative and unique ideas have set the stage for a proactive approach to reducing substance abuse in Montana.

We can all agree that the safety and health of our Montana families is too important for partisanship.



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That is why I'm asking you to pass House Bill 195, sponsored by Representative Cindy Younkin, which strengthens DUI repeat offender penalties. I also urge your support for Senate Bill 13, the .08 legislation and Senate Bill 39, which places open container laws on the books, both of which are sponsored by Senator Dale Mahlum.

These bills toughen Montana's drunk driving laws, with the goal of ensuring that our roads are safer for Montana families and visitors.

We simply must stop the unnecessary loss of lives on our roadways.

#### Healthcare

We can all agree that Montana families deserve an unsurpassed quality of life. We must prioritize health and human service needs, funding what impacts people's lives the most. We must maximize the use of federal funding and address rising healthcare costs.

As we work to address health care needs, I ask for your consideration of legislation to implement a senior discount prescription plan in Montana.

We must also address the wise use of our Medicaid dollars. That is why I am creating a Medicaid Reform Commission, to be headed by Dr. Peter Blouke to address growing needs and escalating health care costs.

We simply must not falter in our efforts to make health care more affordable for Montana families, and to provide for those most in need.

Our efforts must also extend to those with mental illnesses. Our budget addresses the need for more community-based programs for the mentally ill by limiting the population at the Montana State Hospital in Warm Springs, and creating three regional programs.

In addition to these healthcare issues, our hospitals and clinics are faced with other tough challenges, not the least of which is the shortage of qualified healthcare workers.

I established a task force to address those shortages, and in response to their recommendations, I have committed \$120,000 of federal money to partner with Superintendent McCulloch to provide a healthcare career specialist in her office. OPI will also provide \$30,000 of federal money over the next three years, and we are asking private industry to support this effort as well.

#### Corrections

We have worked hard to find ways to make government operate more efficiently on limited dollars, while protecting the safety of our citizens. In order to address budget challenges in the Department of Corrections, for example, we initiated a supervised release program for those who have been committed to the Department of Corrections by the court system. We set in place a system of checks and balances before implementing this program – and it's working. To date, our return rate is only 7% - much lower than the normal rate of 36%.

#### Milltown Dam

As we care for our people, we must also care for our land. The ways to address our environmental challenges need not be difficult.

The health of our families, and communities; the health of our environment and our wildlife – these must come first.

That is why tonight, I am announcing that I am placing the full support of my office behind removal of the Milltown Dam at Bonner. It's simply the right thing to do.

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At the same time, I will continue to press Arco, Northwestern and the Environmental Protection Agency to ensure that the needs of the local community are met.

Native Americans

In this great state, there are few who have more of the historical background about how fragile our landscape is than our first Montanans.

In the past two years, I have traveled to and met with all tribes located in our state's borders to ensure that their voices are heard, and that we work together.

I involved tribal representatives as we addressed our healthcare budget challenges.

And, tonight, we are announcing a new award. The Governor's Award For Excellence in Cultural Education, to be presented annually to the school that best captures the spirit and intent of the Indian Education For All Act of 1999.

Our students must learn as much as possible about the cultural background of their friends and neighbors, and every student needs to know how proud we are of our diversity.

Budget

I have faith that everything I have outlined tonight is achievable, based on our combined will and fortitude, and taking into consideration our current budget challenges.

I will do everything in my power to work with each of you and I am confident that you will do the same, because we all have the same vision for our state – one that includes family, faith, freedom and a prosperous future for all Montanans.

President George W. Bush once said, "A budget's impact is counted in dollars, but measured in lives."

Excellent schools, quality healthcare, higher-paying jobs, a clean environment, and the rich diversity of our people are the values we must fight to protect in this tough budget cycle.

When times are tough, we must care first for those most in need. That is why we have proposed a \$93 million one-time transfer from the coal trust fund.

We cannot cut so deep that we cut programs like CHIP, which provides healthcare coverage for over 9,000 Montana children, and we must maintain funding for foster care programs, including tribal contracts.

When times are tough, we must first care for those most in need. That is why I have asked that funding for the breast and cervical cancer treatment program, the Montana Chemical Dependency Center, Medicaid pharmacy benefits for the medically needy, and services for children with developmental disabilities be held intact, and that we fund provider rates to the best of our ability.

My education budget is also consistent with a balanced view of all services provided and needs in the state.

Again... all of these education and human services programs are made possible by a one-time transfer of \$93 million from the coal trust fund.

And, just so it's clear, in conversations with the two national bond rating agencies, Standard & Poor's and Moody's, we've been informed that our coal trust proposal will **not** affect our bond rating.

Montanans support this proposal, and I ask that each of you look deep inside and ask – is this not the right time to

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make the philosophical leap to help our fellow Montanans in need through these difficult times?

After hours of study and discussion throughout the state, we are confident that this proposal will serve Montanans well.

The budget I'm presenting includes a combination of increased revenue projections, fund transfers and reductions in spending with **no tax increase on hardworking Montana families**, many of whom cannot even afford insurance, let alone pay higher taxes.

But, let me add that nothing is off the table. Just as I am asking all of you to address the coal trust fund transfer, I will look closely at every idea that you bring forward. I am confident that, at the end of the day, we will come to a solution that is best for the people we serve.

Conclusion

Much has been entrusted to us, and much is expected.

Let us reach across the aisle and do what is best for all Montanans. Let's cooperate.

Everyone has a role to play... because everyone is a member of our Montana family. We all stand to gain... or we all stand to lose.

Let us not be afraid to lead from our hearts.

In early December, I was in Butte and met a 5-year-old boy by the name of Dyllan Lane. As he was walking away with his mother, I heard him say, "Mom – I just met the Gardener."

I laughed... and then I thought – you know, he's right. I am a gardener – truly, we are all gardeners. It is our job to nurture and grow our economy. It is our job to prepare the soil and plant the seeds for future generations, and it is our job to care for all Montanans.

From all corners of this great state, our growth depends on our ability to work together. What we sow today is the future that we will harvest tomorrow. We **are** growing together – from Sidney to Eureka, from Hamilton to Wolf Point, and we are doing so with heart and resolve.

But, what is the heart of Montana? Is it our way of life? Is it our love of family, freedom, or our faith in one another? Is it our dreams of a prosperous future for our children?

It is all of these. But the real heart of Montana is its people.

The agenda I have set before you tonight is worthy of the people of our great state, and worthy of our best combined efforts.

Together we will forge our own future – our own destiny. We must forge it with the hope that... just as today we recognize the valiant journey of Lewis and Clark – 200 years from now, we will be remembered for our dedication to this journey as well.

Thank you, good evening, and may God Bless the great state of Montana.

President Keenan thanked the Governor and called on Joe Morstein to give the benediction.

Governor Martz and dignitaries were escorted from the House chamber by the escort committee.

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Senator Thomas moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House chamber.

House adjourned at 7:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 22, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Galvin-Halcro. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/22/2003  
Correctly printed: **HB 112, HB 261, HB 309, HB 315, HJR 3, HJR 6.**  
Correctly engrossed: **HB 51, HB 93, HB 109, HB 164, HB 170, HB 189, HB 279, HJR 5.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/21/2003  
**HB 196**, introduced bill, be amended as follows:

1. Title, page 1, line 15.

**Following:** "HOURS;"

**Insert:** "PROVIDING RECIPROCITY FOR OUT-OF-STATE BARBERS;"

2. Title, page 1, line 22.

**Following:** "MCA;"

**Insert:** "AND"

3. Title, page 1, line 26.

**Strike:** "; AND PROVIDING AN EFFECTIVE DATE"

4. Page 2, line 6.

**Following:** "5 years"

**Insert:** "immediately"

5. Page 2, line 9.

**Following:** "5 years"

**Insert:** "immediately"

6. Page 2, line 16.

**Following:** "5 years"

**Insert:** "immediately"

7. Page 2, line 22.

**Strike:** "cosmetologist"

8. Page 2, line 23.

**Following:** "school"

**Strike:** "of cosmetology, electrology, esthetics, or manicuring"

9. Page 6, line 19.

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**Following:** "."

**Insert:** "Electrology may include the use of waxes for epilation and the use of chemical depilatories."

10. Page 6, line 23.

**Strike:** "face, neck, and hands"

**Insert:** "body"

11. Page 6, line 29.

**Following:** "includes"

**Strike:** "nail care of the hands and feet"

**Insert:** "care of the nails, the hands, the lower arms, the feet, and the lower legs"

12. Page 7, line 16 through line 17.

**Following:** "hair"

**Strike:** ", " on line 16 through "hands" on line 17

**Insert:** "and body"

13. Page 10, line 26.

**Following:** "barbering"

**Insert:** "at a school of cosmetology authorized to offer a course of study in barbering"

14. Page 10, following line 28.

**Insert:** "(c) The board shall issue a license to practice barbering, without examination, to a person licensed in another state if the board determines that:

(i) the other state's course of study hour requirement is equal to or greater than the hour requirement in this state;  
and

(ii) the person's license from the other state is current and the person is not subject to pending or final disciplinary action for unprofessional conduct or impairment."

15. Page 11, line 12 through line 13.

**Strike:** "or" on line 12 through "program" on line 13

16. Page 11, line 14.

**Strike:** "or" through "program"

17. Page 11, line 22.

**Strike:** "or" through "program"

18. Page 12, line 4.

**Strike:** "or" through "program"

19. Page 12, line 9 through line 10.

**Strike:** "or" on line 9 through "program" on line 10

20. Page 13, following line 27.

**Insert:** "(8) To be eligible to take an examination for a license to teach electrology, a person must:

(a) be a high school graduate or possess an equivalent of a high school diploma recognized by the superintendent of public instruction;

(b) have a 100-hour teacher certificate; and

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(c) have been actively engaged as an electologist for 3 continuous years immediately preceding taking the teacher's examination."

21. Page 29, line 15.

**Strike:** section 26 in its entirety

And, as amended, do pass. Report adopted.

**HB 285**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "MAY NOT PROHIBIT"

**Insert:** "SHALL PROVIDE EQUAL ACCESS TO"

**Following:** "RECRUITERS"

**Strike:** "FROM"

2. Title, line 6.

**Following:** "CAMPUS"

**Insert:** "AS OTHER RECRUITERS"

3. Page 1, line 20 through 23.

**Following:** "(1)"

**Strike:** "A" on line 20 through "information." on line 23

**Insert:** "The access provided to recruiters for the United

States armed forces by a public high school must be equal to the access granted to other recruiting groups and organizations. The access must include any directory information that may be released about students pursuant to the Family Educational Rights and Privacy Act of 1974. Parents or legal guardians have the right to inform the high school that they do not wish to have an armed forces recruiter speak to their children."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/21/2003

**HB 171**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "CONTENDERE;"

**Insert:** "PROVIDING AN EXCEPTION;"

2. Page 1, line 18.

**Following:** "or"

**Insert:** ", except when a claim of innocence is supported by evidence of a fundamental miscarriage of justice,"

And, as amended, do pass. Report adopted.

**HB 197**, introduced bill, be amended as follows:

1. Page 16, line 18.

"NEW SECTION. Section 14. Coordination instruction. If a senate or house bill is passed and approved that amends

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61-8-406(1)(a) by substituting "0.08" for "0.10", then "0.08" is substituted for "0.10" in 61-5-205(2)(a) as amended by [this act]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 209**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "years"

**Insert:** "from the date of the entry of the judgment"

And, as amended, do pass. Report adopted.

**HB 210**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "JURISDICTION;"

**Insert:** "PROVIDING A TIME FOR AN APPEAL;"

2. Page 1, line 27.

**Following:** "may"

**Insert:** ", within 90 days of the denial of the motion,"

And, as amended, do pass. Report adopted.

**HB 212**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/21/2003

**HB 233**, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

1/21/2003

**HB 125**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "ACT"

**Insert:** "PROVIDING THAT THE UNIFORM PENALTY ASSESSMENT FOR VIOLATION OF TAX PROVISIONS IS 1.5 PERCENT FOR EACH DESIGNATED PERIOD OR FRACTION OF A DESIGNATED PERIOD RATHER THAN 1.5 PERCENT FOR EACH MONTH OR FRACTION OF A MONTH;

2. Title, page 1, line 6.

**Following:** "MONTH;"

**Insert:** "PROVIDING THAT THE LATE FILING PENALTY ASSESSMENT IMPOSED ON A PASS-THROUGH ENTITY FOR VIOLATION OF TAX PROVISIONS IS BASED ON THE DESIGNATED PERIOD OR FRACTION OF A DESIGNATED PERIOD RATHER THAN ON EACH MONTH OR FRACTION OF A MONTH;"

3. Title, page 1, line 7.

**Strike:** "A"



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**Strike:** "PERIOD"  
**Insert:** "PERIODS"  
**Strike:** "SECTION"  
**Insert:** "SECTIONS"  
**Following:** "15-1-216"  
**Insert:** "AND 15-30-1102"  
**Strike:** "AN"  
**Insert:** "A DELAYED"

4. Title, page 1, line 8.  
**Following:** "DATE"  
**Insert:** "AND AN APPLICABILITY DATE"

5. Page 1, line 19.  
**Strike:** "a month"  
**Insert:** "for each designated period"

6. Page 1, line 20.  
**Strike:** "month"  
**Insert:** "designated period"

7. Page 2.  
**Following:** line 7  
**Insert:** "**Section 2.** Section 15-30-1102, MCA, is amended to read:  
"**15-30-1102. Income or license tax involving pass-through entities -- information returns required.** (1)

Except as otherwise provided:

- (a) a partnership is not subject to taxes imposed in Title 15, chapter 30 or 31;
- (b) an S. corporation is not subject to the taxes imposed in Title 15, chapter 30 or 31; and
- (c) a disregarded entity is not subject to the taxes imposed in Title 15, chapter 30 or 31.

(2) Except as otherwise provided, each partner of a partnership described in subsection (1)(a), each shareholder of an S. corporation described in subsection (1)(b), and each partner, shareholder, ~~manager~~, member, or other owner of an entity described in subsection (1)(c) is subject to the taxes provided in this chapter, if an individual, and to the taxes provided in Title 15, chapter 31, if a C. corporation.

(3) Income realized for federal income tax purposes by a financial institution that has elected to be treated as an S. corporation under subchapter S. of Chapter 1 of the Internal Revenue Code and by its shareholders that is attributable to the financial institution's change from the bad debt reserve method of accounting provided in section 585 of the Internal Revenue Code, 26 U.S.C. 585, is not taxable under Title 15, chapter 30 or 31, to the extent that the aggregate deductions allowed for federal income tax purposes under 26 U.S.C. 585 exceeded the aggregate deductions that the financial institution is allowed under 15-31-114(1)(b)(i).

(4) (a) A partnership that has Montana source income shall on or before the 15th day of the 4th month following the close of its annual accounting period file an information return on forms prescribed by the department and a copy of its federal partnership return. The return must include:

- (i) the name, address, and social security or federal identification number of each partner;
- (ii) the partnership's Montana source income;
- (iii) each partner's distributive share of Montana source income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit;
- (iv) each partner's distributive share of income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit from all sources; and
- (v) any other information the department prescribes.

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(b) An S. corporation that has Montana source income shall on or before the 15th day of the 3rd month following the close of its annual accounting period file an information return on forms prescribed by the department and a copy of its federal S. corporation return. The return must include:

- (i) the name, address, and social security or federal identification number of each shareholder;
- (ii) the S. corporation's Montana source income and each shareholder's pro rata share of separately and nonseparately stated Montana source income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit;
- (iii) each shareholder's pro rata share of separately and nonseparately stated income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit from all sources; and
- (iv) any other information the department prescribes.

(c) A disregarded entity that has Montana source income shall furnish the information and file the returns the department prescribes. The return must include:

- (i) the name, address, and social security or federal identification number of each ~~manager~~, member, or other owner during the tax year;
- (ii) the entity's Montana source income; and
- (iii) any other information the department prescribes.

(d) (i) Except as provided in subsection (4)(d)(ii), a pass-through entity that fails to file an information return required by this section by the due date, including any extension, must be assessed a late filing penalty of \$10 multiplied by the number of the entity's partners, shareholders, ~~managers~~, members, or other owners at the close of the tax year for each month designated period or fraction of a month designated period, not to exceed 5 months, that the entity fails to file the information return. The department may waive the penalty imposed by this subsection (4)(d)(i) as provided in 15-1-206.

(ii) The penalty imposed under subsection (4)(d)(i) may not be imposed on a pass-through entity that has 10 or fewer partners, shareholders, ~~managers~~, members, or other owners, each of whom:

- (A) is an individual, an estate of a deceased individual, or a C. corporation;
- (B) has filed any required return or other report with the department by the due date, including any extension of time, for the return or report; and
- (C) has paid all taxes when due.

(5) As used in this section, "designated period" means the 1-month period that ends within each subsequent month on the day of the month that the information return was originally due. If the date on which the information return was originally due is the last day of a month, then the designated period is a calendar month."

**Renumber:** subsequent section

8. Page 2, line 8.

**Strike:** "July 1, 2003"

**Insert:** "January 1, 2005"

9. Page 2.

**Following:** line 9

**Insert:** "NEW SECTION. **Section 4. Applicability.** [This act] applies to tax years beginning after December 31, 2004."

And, as amended, do pass. Report adopted.

**HB 231**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "PROVIDING"

**Insert:** "A DELAYED EFFECTIVE DATE AND"

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2. Page 5.

**Following:** line 2

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2005."

**Renumber:** subsequent section

3. Page 5, line 3.

**Following:** "applies to"

**Strike:** remainder of line 3

**Insert:** "penalties and interest assessed for tax periods beginning after December 31, 2004."

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 105**, introduced bill, be amended as follows:

1/21/2003

1. Title, line 21.

**Following:** "FACILITY;"

**Insert:** "INCREASING THE FINE FOR THROWING CONTAINERS OF URINE OR FECES ON A HIGHWAY TO \$1,000;"

2. Page 25, line 29.

**Strike:** "\$500"

**Insert:** "\$1,000. The department shall make information about this subsection available at all weigh stations"

3. Page 31, line 12.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "[LC 200]"

**Insert:** "House Bill No. 189"

4. Page 31.

**Following:** line 13

**Insert:** "(2) If [this act] is passed and approved and House Bill No. 189 is not passed and approved, then:

(a) 61-8-333 must read as follows:

**Insert:** "**Section 20.** Section 61-8-333, MCA, is amended to read:

**"61-8-333. Required position and method of turning at intersections --bicycle turn procedures--signs.**

(1) The ~~driver operator~~ of a vehicle intending to turn at an intersection shall do so as follows:

(a) ~~Right turns.~~ Both the approach for a right turn and a right turn ~~shall~~ must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) ~~Left turn on two-way roadways.~~ At ~~any~~ an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn ~~shall~~ must be made in that portion of the right half of the roadway nearest the center line ~~thereof of the roadway~~ and by passing to the right of ~~such the~~ center line where it enters the intersection, ~~and after~~ After entering the intersection, the left turn ~~shall~~ must be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn ~~shall~~ must be made in that portion of the intersection to the left of the center of the intersection.

(c) ~~Left turns on other than two-way roadways.~~ At ~~any~~ an intersection where traffic is restricted to one direction on one or more of the roadways, the ~~driver operator~~ of a vehicle intending to turn left ~~at any such intersection~~ shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of ~~such the~~ vehicle, ~~and after~~ After entering the intersection the left turn ~~shall~~ must be made so as to leave the intersection,

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as nearly as practicable, in the left-hand lane lawfully available to traffic moving in ~~such the~~ direction upon the roadway being entered.

(d) A person making a turn under ~~subsections~~ subsection (1)(a), (1)(b), or (1)(c) is entitled to the full use of the lane from which the turn may be legally made.

(2) (a) A person operating a bicycle who intends to turn left shall follow the course described in subsection (1) or in subsection (2)(b).

(b) A person operating a bicycle who intends to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the person shall make the turn as close as practicable to the curb or edge of the roadway on the far right side of the intersection. After turning, the person shall yield to through traffic and shall comply with any official traffic control device or police officer regulating traffic on the highway along which ~~he the person~~ intends to proceed.

(3) Local authorities in their respective jurisdictions may ~~cause markers, buttons, or signs to be placed place~~ official traffic control devices within or adjacent to intersections, ~~directing and thereby require and direct~~ that a different course from that specified in this section be traveled by vehicles turning at an intersection; ~~and when markers, buttons, or signs are so placed no driver~~ Where official traffic control devices that direct a different course are placed, the operator of a vehicle shall may not turn a the vehicle at an intersection other than as directed and required by such markers, buttons, or signs by the official traffic control devices.

(4) Where a special lane has been indicated by official traffic control devices allowing operators of vehicles proceeding in opposite directions to make left turns:

(a) a left turn may not be made from any other lane; and

(b) a vehicle may not be operated in the lane except when making a left turn from or onto the roadway or when making a U-turn when that movement is permitted by law."; and

(b) 61-8-338 must read as follows:"

**Insert: "Section 23.** Section 61-8-338, MCA, is amended to read:

**"61-8-338. Method of giving hand-and-arm signals.** (1) Except as provided in subsection (2), all signals ~~herein~~ required in this part that are given by hand and arm ~~shall must~~ be given from the left side of the vehicle by the operator of the vehicle in the following manner ~~and such signals shall indicate as follows:~~

(a) ~~Left~~ For a left turn; Hand the operator's hand and arm must be extended horizontally.

(b) ~~Right~~ For a right turn; Hand the operator's hand and arm forearm must be extended upward.

(c) ~~Stop~~ For a stop or a decrease in speed; Hand the operator's hand and arm must be extended downward.

(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally.""

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/21/2003

**SB 105**, introduced by Johnson

**SB 114**, introduced by Johnson

**SB 133**, introduced by Zook

**SB 144**, introduced by Barkus

**SB 150**, introduced by Johnson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 389**, introduced by Gibson, referred to Judiciary.

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**HB 390**, introduced by Gallik, referred to Judiciary.

**HB 391**, introduced by Balyeat, referred to Taxation.

**HB 392**, introduced by Weiss, referred to Federal Relations, Energy, and Telecommunications.

**HB 393**, introduced by Noennig, referred to Judiciary.

**HB 394**, introduced by R. Brown, referred to State Administration.

**HB 395**, introduced by Gillan, Becker, Branae, R. Brown, Forrester, Fuchs, Gibson, Lange, Lindeen, Morgan, Schrupf, Weiss, referred to Local Government.

**HB 396**, introduced by Gibson, P. Clark, Golie, Weiss, referred to Fish, Wildlife and Parks.

**HB 397**, introduced by Facey, Haines, Harrington, Jacobson, Kitzenberg, Lambert, Lange, Lenhart, Shea, Wagman, referred to Appropriations.

**HB 398**, introduced by Balyeat, Brueggeman, Everett, Fuchs, Jackson, Keenan, Lake, Lange, Laszloffy, Maedje, Mahlum, Mendenhall, Mood, Morgan, Pattison, Rice, Rome, Sales, Sinrud, Wagman, Witt, referred to Taxation.

**HB 399**, introduced by Mendenhall, referred to Human Services.

**HB 400**, introduced by Gillan, Forrester, Galvin-Halcro, Golie, A. Olson, referred to Education.

**HB 401**, introduced by Carney, referred to Natural Resources.

**HB 402**, introduced by Parker, Ballantyne, Becker, Bergren, Branae, Carney, Cocchiarella, Cooney, Dickenson, Dowell, Everett, Facey, Franklin, Gallus, Galvin-Halcro, Gibson, Golie, Hansen, Harris, Jacobson, Jent, Keane, Lange, Laslovich, Lawson, Lehman, Lenhart, Maedje, Malcolm, Mangan, McKenney, Musgrove, Newman, A. Olson, Raser, Ripley, B. Ryan, Schmidt, Shea, Squires, Stoker, Tester, B. Thomas, Wanzenried, Weiss, Wilson, referred to Judiciary.

**HB 403**, introduced by Keane, referred to Business and Labor.

**HB 404**, introduced by D. Brown, referred to Business and Labor.

**HB 405**, introduced by Kaufmann, Butcher, Musgrove, Nelson, Pattison, Ripley, Shea, referred to Natural Resources.

**SPECIAL ORDERS OF THE DAY**

House welcomed and heard remarks from Director General Jack Chaing of the Taipei Economic & Cultural Office in Seattle, Washington.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative D. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 107** - Representative A. Olson moved **HB 107** do pass.

Representative Bitney present at this time.

Representative Carney moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker,

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Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Franklin, Sinrud, Wagman, Wilson.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Lehman.  
Total 1

Motion that **HB 107** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Balyeat, Everett, Fisher, Hawk, Jackson, Jayne, Kasten, Malcolm, Pattison, Rice, Sales, Shockley, Sinrud, Wagman.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 230** - Representative Erickson moved **HB 230** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Erickson.

Total 1

**HB 98** - Representative McKenney moved **HB 98** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 77** - Representative Jent moved **HB 77** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 88** - Representative Kasten moved **HB 88** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 96** - Representative Devlin moved **HB 96** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Brueggeman, Carney, Jayne, Lewis, Sales.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Gutsche, Harris.  
Total 2

**HB 136** - Representative Fisher moved **HB 136** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.



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Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

**HB 174** - Representative B. Thomas moved **HB 174** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Ballantyne, Balyeat, D. Brown, R. Brown, Brueggeman, Everett, Fuchs, Hawk, Jayne, Laszloffy, Pattison, Roberts, Sales, Sinrud.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 175** - Representative P. Clark moved **HB 175** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson,

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Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Galvin-Halcro, Gillan.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Keane.

Total 1

Excused: None.

Total 0

Absent or not voting: Roberts, Sinrud.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 15** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Weiss.

Total 1

**HB 89** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 108** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Becker, R. Brown, Carney, Dickenson, Erickson, Galvin-Halcro, Jayne, Juneau, Raser, Sales,

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Wanzenried.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 123** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Erickson, Gillan, Kaufmann, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

**HB 128** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 149** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 153** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 157** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Lambert.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 159** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 79

Noes: Balyeat, D. Brown, R. Brown, P. Clark, Everett, Fisher, Fuchs, Galvin-Halcro, Golie, Kasten, Lange, Laszloffy, Malcolm, Rice, Ripley, Sales, Wagman, Waitschies, Younkin.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Ross, Stoker.  
Total 2

**HB 161** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

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Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 169** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 63

Noes: Andersen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Brueggeman, Everett, Fuchs, Gallus, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lewis, Malcolm, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Stoker, Wagman, Waitschies, Younkin.

Total 36

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 188** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Brueggeman, P. Clark, Hawk, Jayne, Maedje, Newman, Rice, Sales, Sinrud.

Total 9

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved that **HB 331** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. Motion carried.

Representative Laslovich moved that **HB 74** be taken from the Committee on Appropriations and be placed on second reading on Legislative Day 14.

Representative R. Brown moved previous question. Motion **failed** as follows:

Ayes: Andersen, Becker, Bergren, D. Brown, R. Brown, Brueggeman, Callahan, Devlin, Dowell, Fisher, Fuchs, Haines, Hawk, Hedges, Kasten, Lake, Lange, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Ross, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Wagman, Wilson, Younkin, Mr. Speaker.  
Total 41

Noes: Ballantyne, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lenhart, Lindeen, McKenney, Musgrove, Newman, Parker, Peterson, Raser, Roberts, Rome, Ryan, Sales, Sinrud, Small-Eastman, Thomas, Waitschies, Wanzenried, Weiss, Windy Boy, Witt.  
Total 58

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

Motion that **HB 74** be taken from the Committee on Appropriations and be placed on second reading on Legislative Day 14, **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.



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Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 274**: Bohlinger, Small-Eastman, and F. Smith.

The following cosponsors were added to **HJR 8**: Small-Eastman and Windy Boy

Mr. Speaker asked the House to join him in singing Happy Birthday to Representative Andersen and House Page Sarah Armstrong.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, January 23, 2003. Motion carried.

House adjourned at 3:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 23, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Roll Call. All members present. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House chamber.

Speaker Mood introduced President Keenan and yielded the chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of Tribal Nations address from Carl Venne, Honorable Chairman of the Crow Nation.

Senator Thomas moved that President Keenan be authorized to appoint a committee of four to notify the Chairman of the Crow Nation that the House was in joint session and ready to receive the State of Tribal Nations Address. Motion carried.

President Keenan appointed Senators Pease and Glaser and Representatives Lambert and Juneau and discharged them to escort the Chairman into the House Chamber.

Sergeant-at-arms Cramer announced that the committee was ready to escort the Honorable Chairman of the Crow Nation and Committee into the House.

Chief Earl Old Person gave the invocation. Pledge of Allegiance to the Flag.

After being presented to the members of both houses by President Keenan, the Honorable Chairman Carl Venne of the Crow Nation delivered his address.

President Keenan asked the committee to escort the Honorable Chairman of the Crow Nation, the representatives of other Tribal Nations, and other dignitaries from the House chamber.

Senator Thomas moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House chamber.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/23/2003  
Correctly printed: **HB 212, HB 233.**  
Correctly engrossed: **HB 105, HB 125, HB 171, HB 196, HB 197, HB 209, HB 210, HB 231, HB 285.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/22/2003  
**HB 312**, do pass. Report adopted.  
**HB 319**, introduced bill, be amended as follows:

1. Page 11, line 23.

**Following:** "absentee ballot"

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**Strike:** " "  
**Insert:** "or"  
**Following:** "mail ballot"  
**Strike:** " "

2. Page 11, line 24.  
**Strike:** "or other method"

3. Page 17, line 1.  
**Strike:** "an" through "the"  
**Insert:** "a"

And, as amended, do pass. Report adopted.

**HB 323**, do pass. Report adopted.  
**HB 347**, introduced bill, be amended as follows:

1. Title, line 7.  
**Following:** "PARTY"  
**Insert:** "AND THE THREAT IS ON RECORD WITH A LAW ENFORCEMENT AGENCY"

2. Page 1, line 27.  
**Following:** "landlord"  
**Insert:** "and the threat is on record with a law enforcement agency"

3. Page 3, line 2.  
**Following:** "party"  
**Insert:** "and the threat is on record with a law enforcement agency"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):  
**HB 134**, do pass. Report adopted.  
**HB 234**, introduced bill, be amended as follows:

1/22/2003

1. Page 2, line 1.  
**Strike:** "being operated in violation of this section"

2. Page 2, line 2.  
**Following:** "age"  
**Insert:** "and is not wearing a properly adjusted and fastened seatbelt"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/22/2003

**SB 24**, introduced by Mangan

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**SB 45**, introduced by Gebhardt  
**SB 68**, introduced by Cromley  
**SB 83**, introduced by McGee  
**SB 98**, introduced by Mangan

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 406**, introduced by Waitschies, referred to Taxation.  
**HB 407**, introduced by Gutsche, Balyeat, P. Clark, Cobb, Dowell, Fuchs, Gallus, Galvin-Halcro, Golie, Kitzenberg, Lindeen, McGee, F. Thomas, Tropila, Wanzenried, Wilson, referred to Fish, Wildlife and Parks.  
**HB 408**, introduced by Peterson, Cyr, Devlin, Lake, Witt, referred to Local Government.  
**HB 409**, introduced by Lenhart, Butcher, P. Clark, Dickenson, Facey, Galvin-Halcro, Musgrove, Tester, Wilson, referred to Agriculture.  
**HB 410**, introduced by Younkin, referred to Business and Labor.  
**HB 411**, introduced by Gallus, Barrett, R. Brown, Cohenour, Cyr, Facey, Fuchs, Golie, Harrington, Keane, Keenan, Lange, Laslovich, McCarthy, Newman, Roberts, Rome, Shea, Tester, F. Thomas, Wagman, referred to Fish, Wildlife and Parks.  
**HB 412**, introduced by Cohenour, referred to Transportation.  
**HB 413**, introduced by Erickson, referred to Taxation.  
**HB 414**, introduced by Balyeat, Everett, Fuchs, Sales, referred to Transportation.  
**HB 415**, introduced by P. Clark, referred to State Administration.  
**HB 416**, introduced by Younkin, Bohlinger, Gebhardt, Golie, Haines, Hurwitz, Jacobson, McGee, Sinrud, Story, referred to Local Government.  
**HB 417**, introduced by Golie, Dowell, Fuchs, Lenhart, Matthews, McCarthy, A. Olson, Perry, Story, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.  
**HB 418**, introduced by Lambert, Lange, B. Olson, referred to Judiciary.  
**HB 419**, introduced by Laszloffy, Bergren, Brueggeman, Butcher, DePratu, Elliott, Grimes, Kasten, Keane, Mahlum, Mood, Musgrove, Pattison, B. Ryan, F. Thomas, Wilson, Witt, referred to Transportation.  
**HB 420**, introduced by Lake, Barrett, Jackson, Keane, Lambert, Mendenhall, Morgan, Peterson, referred to Natural Resources.  
**HB 421**, introduced by B. Thomas, referred to Appropriations.  
**HB 422**, introduced by Juneau, Bixby, Roush, Small-Eastman, Smith, Windy Boy, referred to Education.  
**HB 423**, introduced by Juneau, Bixby, Jayne, Roush, Small-Eastman, Smith, Windy Boy, referred to Education.

The following House resolution was introduced, read first time, and referred to committee:

**HR 2**, introduced by Galvin-Halcro, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 183** - Representative Steinbeisser moved **HB 183** do pass.

Representative Steinbeisser moved **HB 183**, second reading copy, be amended as follows:

1. Page 3, line 2 through line 3.

**Strike:** "including" on line 2 through "issued," on line 3

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bergren, Golie, Raser.

Total 3

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Gallus, Windy Boy.

Total 2

Motion that **HB 183**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.

Total 0

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Absent or not voting: Gallus.  
Total 1

**HB 17** - Representative Newman moved **HB 17** do pass.

Representative R. Brown moved consideration of **HB 17** be passed for the day. Motion carried.

**HB 53** - Representative Newman moved **HB 53** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**HB 101** - Representative Jent moved **HB 101** do pass.

Representative Jent moved **HB 101**, second reading copy, be amended as follows:

1. Title, line 18.

**Following:** "RULE;"

**Insert:** "ALLOWING A PERSON WHO WISHES TO RECEIVE A BOWHUNTING LICENSE TO COMPLETE A NATIONAL BOWHUNTER EDUCATION FOUNDATION PROGRAM OR ANOTHER BOWHUNTER EDUCATION PROGRAM APPROVED BY THE DEPARTMENT;"

**Following:** "87-2-103,"

**Insert:** "87-2-105,"

2. Page 2, line 12.

**Insert:** "Section 2. Section 87-2-105, MCA, is amended to read:

**"87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident person who is under 18 years of age unless the person authorized to issue the license receives a certificate of completion from the Montana youth hunter safety and education course established in subsection (5).

(2) A hunting license may not be issued to a nonresident person who is under 18 years of age unless the

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person authorized to issue the license receives a certificate of completion from the Montana youth hunter safety and education course established in subsection (5) or a certificate verifying that the nonresident has successfully completed a hunter safety course in any state or province.

(3) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license receives proof of completion of a hunter safety course approved by the department or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or receives proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(5) The department shall provide for a youth hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor any person it finds to be competent to give instructions to youth in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's youth hunter safety and education course to a person successfully completing the course.

(6) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give ~~the~~ ~~national bowhunter education foundation~~ instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion ~~from the national bowhunter education foundation~~ to any person successfully completing the course.

(7) The department may develop an adult hunter education course.

(8) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion or achievement.""

**Renumber:** subsequent sections

3. Page 5, line 24.

**Strike:** "[Section 6]"

**Insert:** "[Section 7]"

4. Page 5, line 25.

**Strike:** "[section 6]"

**Insert:** "[section 7]"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison,

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Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 101**, as amended, do pass carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 65

Noes: Andersen, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lambert, Laszloffy, Lawson, Maedje, Malcolm, Morgan, Pattison, Rice, Ripley, Ross, Sales, Schrumpf, Shockley, Sinrud, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 35

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 28** - Representative R. Brown moved consideration of **HB 28** be passed for the day. Motion carried.

**HB 44** - Representative Smith moved **HB 44** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.



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Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Haines, Shockley.  
Total 2

**HB 54** - Representative Newman moved **HB 54** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Fuchs, Harris, Jayne, Malcolm.  
Total 5

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Pattison, Shockley.  
Total 2

**HB 63** - Representative Kasten moved **HB 63** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lawson, Lindeen, Matthews, Morgan, Musgrove, Newman, Parker,

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Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Voted Absentee: Galvin-Halcro, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 72

Noes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Dowell, Erickson, Franklin, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Lindeen, Newman, Raser, Ryan, Smith, Wanzenried, Weiss, Windy Boy.  
Total 23

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Dickenson, Gallus, Laszloffy, Schrumpf.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 77** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 98

Noes: Raser.

Total 1

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 88** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Stoker.

Total 1

**HB 96** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Brueggeman, Carney, Jayne, Laszloffy, Lewis, Roberts, Sales.

Total 8

Excused: Galvin-Halcro.

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Total 1

Absent or not voting: None.

Total 0

**HB 98** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 107** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Everett, Fisher, Hawk, Jackson, Kasten, Malcolm, Rice, Sales, Shockley, Sinrud, Wagman.

Total 12

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 136** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 174** passed as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Ballantyne, Balyeat, R. Brown, Everett, Fuchs, Hawk, Jayne, Sales, Sinrud.

Total 9

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 175** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice,

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Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Franklin, Gillan, Shockley.

Total 3

**HB 230** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved **HB 28** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 17** be taken from second reading and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative Fuchs moved **HB 101** be taken from third reading and be rereferred to the Committee on Fish, Wildlife, and Parks. There being no objection, so ordered.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, January 24, 2003. Motion carried.

House adjourned at 3:23 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 24, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Andersen. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:30 p.m. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/24/2003  
Correctly printed: **HB 134, HB 312, HB 323.**  
Correctly engrossed: **HB 234, HB 319, HB 347.**

**JUDICIARY** (Shockley, Chairman): 1/23/2003  
**HB 18**, introduced bill, be amended as follows:

1. Title, page 1, line 9.  
**Strike:** "IMMEDIATE"

2. Page 2, line 9.  
**Strike:** "on passage and approval"  
**Insert:** "June 28, 2003"

And, as amended, do pass. Report adopted.

**HB 40**, introduced bill, be amended as follows:

1. Page 1, line 18.  
**Strike:** "The peace officer may"  
**Insert:** "A peace officer who has lawfully stopped a person or vehicle under this section may:"  
(a)

2. Page 1, line 20.  
**Strike:** "."  
**Insert:** "; and"

3. Page 1, line 21.  
**Strike:** "(3)" through "may"  
**Insert:** "(b)"



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4. Page 1, line 25.

**Following:** "either"

**Insert:** "immediately"

And, as amended, do pass. Report adopted.

**HB 66**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "CAPACITY"

**Insert:** "OR PROVIDE REPRESENTATION"

2. Page 2, line 23.

**Following:** "the"

**Insert:** "and may, in the discretion of the attorney general, provide representation to the agency if requested by the agency"

And, as amended, do pass. Report adopted.

**HB 166**, do pass. Report adopted.

**HB 199**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Following:** "(b)"

**Insert:** "with the offender's permission,"

**Strike:** ", in the officer's discretion,"

2. Page 1, line 21.

**Following:** "through 10,"

**Insert:** "except chapter 8, part 4,"

3. Page 2, line 26.

**Strike:** "in the officer's discretion"

**Insert:** "with the offender's permission"

4. Page 2, line 27.

**Following:** "through 10,"

**Insert:** "except chapter 8, part 4,"

5. Page 3, line 24.

**Following:** "through 10,"

**Insert:** "except chapter 8, part 4,"

And, as amended, do pass. Report adopted.

**HB 224**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "counties"

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**Insert:** "or of a consolidated city-county government"

And, as amended, do pass. Report adopted.

**HB 256**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Following:** "activities,"

**Insert:** ", if an agreement is reached under subsection (3),"

And, as amended, do pass. Report adopted.

**HJR 1**, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/23/2003

**SB 39**, introduced by Mahlum

**SB 94**, introduced by Stonington

**SB 111**, introduced by Nelson

**SB 117**, introduced by Cobb

**SB 132**, introduced by McNutt

**Senate joint resolution** passed and transmitted to the House for concurrence:

1/23/2003

**SJR 3**, introduced by Tash

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 424**, introduced by Jent, referred to Federal Relations, Energy, and Telecommunications.

**HB 425**, introduced by Gallik, referred to Appropriations.

**HB 426**, introduced by Morgan, referred to Local Government.

**HB 427**, introduced by Gutsche, referred to Natural Resources.

**HB 428**, introduced by Keane, Barrett, Forrester, Gallus, Grimes, Laslovich, Lenhart, Matthews, McCarthy, Mendenhall, Newman, A. Olson, B. Ryan, Shea, Smith, F. Thomas, referred to Natural Resources.

**HB 429**, introduced by Kasten, DePratu, Devlin, Erickson, Forrester, Fuchs, Kaufmann, Pattison, Story, Zook, referred to Taxation.

**HB 430**, introduced by Harris, referred to Judiciary.

**HB 431**, introduced by Lawson, referred to State Administration.

**HB 432**, introduced by P. Clark, Butcher, Elliott, Windy Boy, referred to Natural Resources.

**HB 433**, introduced by P. Clark, Butcher, Cobb, Elliott, Windy Boy, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on

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second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 79** - Representative Jackson moved **HB 79** do pass.

Representative B. Thomas moved for cloture. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Ballantyne, Bixby, Branae, Cyr, Franklin, Gibson, Gillan, Gutsche, Jayne, Kaufmann, Laslovich, Newman, Small-Eastman, Windy Boy.

Total 14

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: D. Brown, Buzzas, Gallus, Malcolm.

Total 4

Motion that **HB 79** do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Younkin, Mr. Speaker.

Total 50

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, A. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy, Witt.

Total 48

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Hurwitz.

Total 1

**HB 93** - Representative Lawson moved **HB 93** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Gillan, Malcolm, Musgrove.

Total 3

**HB 110** - Representative Lange moved **HB 110** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 126** - Representative Fritz moved **HB 126** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 145** - Representative McKenney moved **HB 145** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 96

Noes: R. Brown, Laszloffy, Sales, Younkin.  
Total 4

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 232** - Representative Devlin moved **HB 232** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 167** - Representative Schrumpf moved **HB 167** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 168** - Representative Callahan moved **HB 168** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fritz, Wilson.

Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Buzzas, P. Clark, Cyr, Gutsche, Jayne, Keane, Ryan, Wanzenried, Windy Boy.

Total 9

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Fisher, Small-Eastman.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 44** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

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Total 0

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 53** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 54** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Fuchs, Harris.

Total 3

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0



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**HB 63 failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 49

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Matthews, Morgan, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Fisher.  
Total 1

**MOTIONS**

Representative Gallus requested on **HB 79**, second reading this day, his vote be shown as no. There being no objection, so ordered.

Representative Gillan requested on **HB 110**, second reading this day, her vote be changed from no to yes. There being no objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, January 25, 2003. Motion carried.

House adjourned at 2:46 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Facey. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/25/2003  
Correctly printed: **HB 166, HJR 1.**  
Correctly engrossed: **HB 18, HB 40, HB 66, HB 199, HB 224, HB 256.**

**AGRICULTURE** (Rice, Chairman): 1/24/2003  
**HB 47**, do pass. Report adopted.  
**HB 181**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Following:** "AGENCIES"

**Strike:** "AND"

**Insert:** ", "

**Following:** "TECHNICIANS"

**Insert:** ", AND SUPPORT PERSONNEL"

2. Page 1, line 20.

**Following:** "abandoned,"

**Strike:** "suffering,"

**Following:** "discarded,"

**Strike:** "diseased,"

3. Page 3, line 5.

**Following:** "veterinarian,"

**Strike:** "or"

4. Page 3, line 6.

**Following:** "technician"

**Insert:** ", or support personnel"

5. Page 3, line 7.

**Following:** "substances"

**Insert:** "only"

**Following:** "purposes"

**Strike:** "only if"

**Insert:** "unless"

6. Page 4, line 4.

**Following:** "technician"

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**Insert:** "or support personnel"

And, as amended, do pass. Report adopted.

**HB 311**, do pass. Report adopted.

**HB 317**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/25/2003

**HB 76**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "COUNCIL"

**Insert:** "AND A LEGISLATIVE CONSULTING PANEL"

2. Page 1, line 15.

**Following:** "council"

**Insert:** "-- legislative consulting panel"

3. Page 1, following line 24.

**Insert:** "(3) The governor is encouraged to appoint to the initial council two individuals who were members of the microbusiness advisory council immediately prior to its being abolished."

**Renumber:** subsequent subsections

4. Page 1, following line 27.

**Insert:** "(5)(a) There is a legislative consulting panel of four members. The panel:

(i) shall meet with the council, participate in deliberations of the council, and advise the council in performance of its functions under subsection (7) but may not vote on any motion before the council; and

(ii) consists of:

(A) two representatives, including one from each party, appointed by the speaker of the house of representatives;

and

(B) two senators, including one from each party, appointed by the committee on committees.

(b) The members:

(i) must be appointed on or before the 10th day of each regular session of the legislature and shall serve until the convening of the next regular session of the legislature. If a vacancy on the panel occurs during a legislative interim, that vacancy must be filled in the same manner as the original appointment.

(ii) are entitled to compensation in the same manner as members of the council, as provided in subsection (6).

(6) Members of the council are not entitled to compensation for their services except for reimbursement of expenses as provided in 2-18-501 through 2-18-503."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 122**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "MACHINES;"

**Strike:** "AND"

2. Title, line 9.

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**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 9, line 4.

**Insert:** "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 130**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "medical benefits"

**Insert:** "claims"

2. Page 1, line 23.

**Following:** "insurer"

**Insert:** ", excluding workers' compensation coverage and professional liability insurance"

3. Page 1, line 27.

**Following:** "self-insurer"

**Insert:** ", excluding workers' compensation coverage"

4. Page 1, line 30.

**Following:** "sickness"

**Insert:** "and accident"

5. Page 2, line 13.

**Following:** "insurer"

**Insert:** "has notified the insured, the insured's assignee, or the claimant of the reasons for failure to pay the claim in full or unless the insurer"

6. Page 2, line 14.

**Following:** "commissioner."

**Insert:** "This section does not eliminate an insurer's right to conduct a thorough investigation of all the facts necessary to determine payment of a claim."

7. Page 2, line 19.

**Strike:** "pay a claim as required by"

**Insert:** "comply with"

8. Page 2, line 20.

**Following:** "of the claim"

**Insert:** "due"

And, as amended, do pass. Report adopted.

**HB 321**, introduced bill, be amended as follows:

1. Title, line 6.

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**Following:** "PHYSICIAN"  
**Insert:** "OR PODIATRIST"

2. Page 2, line 2.  
**Strike:** "professional"  
**Insert:** "care worker"

3. Page 2, line 3.  
**Following:** "physician"  
**Insert:** "or podiatrist"  
**Following:** "physician's"  
**Insert:** "or podiatrist's"  
**Strike:** "or clinic"

4. Page 4, line 8.  
**Strike:** "may"  
**Insert:** "shall"

5. Page 4, line 11.  
**Following:** "physician"  
**Insert:** "or podiatrist"

6. Page 4, line 12.  
**Following:** "physician"  
**Insert:** "or podiatrist"

7. Page 4, line 13.  
**Following:** "physician"  
**Insert:** "or podiatrist if onsite supervision of a medical assistant by a physician or podiatrist is required for invasive procedures, administration of medication, or allergy testing"

8. Page 4, line 14.  
**Following:** "physician"  
**Insert:** "or podiatrist"

9. Page 4, line 16.  
**Strike:** "and"

10. Page 4, line 18.  
**Following:** "practice"  
**Strike:** "."  
**Insert:** "; and  
(c) ensuring minimum educational requirements for the medical assistant.

11. Page 4, line 19.  
**Following:** "physician"  
**Insert:** "or podiatrist"

And, as amended, do pass. Report adopted.

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**HB 338**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "66"

**Insert:** "66.5"

2. Title, line 7 through line 9.

**Strike:** "PROVIDING" on line 7 through "BENEFITS;" on line 9

3. Title, line 10.

**Following:** "39-51-2201,"

**Insert:** "AND"

**Strike:** "AND 39-51-2302,"

4. Page 3, line 24.

**Strike:** "66%"

**Insert:** "66.5%"

5. Page 4, line 22 through page 5, line 12.

**Strike:** strike section 4 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 354**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Following:** "or"

**Insert:** "service in case of emergency or"

2. Page 2, following line 1.

**Insert:** "NEW SECTION. **Section 4. Coordination instruction.** If House Bill No. 196 and [this act] are both passed and approved, then [section 1 of this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

1/24/2003

**HB 137**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/24/2003

**SB 70**, introduced by McNutt

**SB 88**, introduced by Bales

**SB 103**, introduced by Laible

**SB 108**, introduced by McNutt

**SB 139**, introduced by Shea

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 434**, introduced by Wanzenried, Tester, referred to Business and Labor.

**HB 435**, introduced by Sinrud, Ballantyne, Barkus, Bookout-Reinicke, D. Brown, E. Clark, Dowell, Golie, Haines, Lake, Lewis, Mood, Morgan, Roberts, Ross, Sales, Witt, referred to State Administration.

**HB 436**, introduced by A. Olson, Andersen, Bales, Barrett, Forrester, Gillan, Hurwitz, Jackson, Keane, Laible, Lake, Lambert, Lange, Laszloffy, Lehman, Lindeen, Maedje, Matthews, McNutt, B. Olson, Rice, Ripley, Roberts, Rome, Ross, Steinbeisser, Stoker, B. Thomas, Wagman, referred to Natural Resources.

**HB 437**, introduced by A. Olson, DePratu, Forrester, Fuchs, Gallus, Gebhardt, Keane, Matthews, McCarthy, Ross, D. Ryan, Tash, referred to Natural Resources.

**HB 438**, introduced by Forrester, Glaser, D. Ryan, referred to Business and Labor.

**HB 439**, introduced by P. Clark, referred to Fish, Wildlife and Parks.

**HB 440**, introduced by Facey, referred to Business and Labor.

**HB 441**, introduced by Cyr, Black, Bohlinger, DePratu, Dowell, Erickson, Fisher, Forrester, Harrington, Laslovich, McGee, Newman, A. Olson, B. Olson, Wanzenried, referred to Local Government.

**HB 442**, introduced by Raser, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 14**, introduced by Bixby, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 63** - Representative Kasten moved **HB 63** be placed back on third reading on Legislative Day 17. Motion passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumphf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Matthews, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Bookout-Reinicke.

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Total 1

Absent or not voting: Buzzas, Fisher.

Total 2

**HB 94** - Representative Lawson moved **HB 94** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: E. Clark, Devlin, Everett, Lake, Laszloffy, Malcolm, Morgan, Rice, Ripley, Rome, Shockley, Steinbeisser, Waitschies.

Total 13

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 105** - Representative B. Olson moved **HB 105** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Andersen, Fuchs, Laszloffy, Malcolm, Rice, Sales, Wanzenried.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.



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Total 0

**HB 109** - Representative Harris moved **HB 109** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lindeen, Musgrove, Noennig, A. Olson, Parker, Raser, Ripley, Rome, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 49

Noes: Andersen, Balyeat, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, B. Olson, Pattison, Peterson, Rice, Roberts, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 48

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fuchs, Ryan, Mr. Speaker.

Total 3

Representative Pattison excused at this time.

**HB 112** - Representative R. Brown moved consideration of **HB 112** be passed for the day. Motion carried.

**HB 189** - Representative R. Brown moved consideration of **HB 189** be passed for the day. Motion carried.

**HB 170** - Representative Parker moved **HB 170** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 97

Noes: Jayne.

Total 1

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.

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Total 0

Absent or not voting: Brueggeman, Mr. Speaker.

Total 2

Representative Parker moved that on **HB 170** his vote be shown as yes. Motion carried.

**HB 171** - Representative Parker moved **HB 171** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 95

Noes: Jayne.

Total 1

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Gallus, Morgan, Mr. Speaker.

Total 4

Representative Parker moved that on **HB 171** his vote be shown as yes. Motion carried.

**HB 116** - Representative Kaufmann moved **HB 116** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 63

Noes: Andersen, Balyeat, Barrett, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Jayne, Lake, Lange, Laszloffy, Lehman, Maedje, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 36

Voted Absentee: Bookout-Reinicke, Aye; Pattison, No.

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Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 187** - Representative Gallus moved **HB 187** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Erickson, Gutsche.  
Total 2

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 127** - Representative Fritz moved **HB 127** do pass.

Representative Jent moved consideration of **HB 127** be passed for the day. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Cohenour, Gallik, Hawk, Ripley, Smith, Steinbeisser, Stoker.  
Total 7

Excused: Bookout-Reinicke, Pattison.  
Total 2

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Absent or not voting: Buzzas.  
Total 1

**HB 196** - Representative Fisher moved **HB 196** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: R. Brown.  
Total 1

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cyr, Lambert, Laszloffy.  
Total 3

**HB 207** - Representative Laslovich moved **HB 207** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 208** - Representative Shockley moved **HB 208** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 209** - Representative Shockley moved **HB 209** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 164** - Representative Callahan moved **HB 164** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

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Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Ryan, Schruppf, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 77

Noes: Andersen, Balyeat, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Jackson, Lehman, Pattison, Rice, Ripley, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Waitschies, Mr. Speaker.

Total 21

Voted Absentee: Bookout-Reinicke, Aye; Pattison, No.

Excused: None.

Total 0

Absent or not voting: Shockley, Witt.

Total 2

**HB 210** - Representative Shockley moved **HB 210** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Haines.

Total 1

**HB 212** - Representative Shockley moved **HB 212** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

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Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Roberts.  
Total 1

Voted Absentee: Bookout-Reinicke, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Bookout-Reinicke, Pattison.  
Total 2

Absent or not voting: Hawk, Mendenhall, A. Olson, Windy Boy.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 79** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson,

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Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 44

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: None.

Total 0

**HB 93** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: Bitney, E. Clark, Lehman.

Total 3

**HB 110** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97



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Noes: None.  
Total 0

Excused: Bookout-Reinicke, Pattison.  
Total 2

Absent or not voting: Bitney.  
Total 1

**HB 126** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bookout-Reinicke, Pattison.  
Total 2

Absent or not voting: Bitney.  
Total 1

**HB 145** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: R. Brown, Fuchs, Laszloffy, Sales.  
Total 4

Excused: Bookout-Reinicke, Pattison.  
Total 2

Absent or not voting: Bitney.

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Total 1

**HB 167** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: Bitney.

Total 1

**HB 168** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: Bitney.

Total 1

**HB 183** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: Bitney, Schrumpf.

Total 2

**HB 232** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bookout-Reinicke, Pattison.

Total 2

Absent or not voting: Stoker.

Total 1

**MOTIONS**

Representative R. Brown moved **HB 109** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 127** be taken from second reading this day and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 420** be taken from the Committee on Natural Resources and be rereferred to the Committee on Agriculture. There being no objection, so ordered.

Representative Rome requested on **HB 208**, second reading this day, his vote be shown as yes. There being no

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objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, January 27, 2003. Motion carried.

House adjourned at 11:00 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 27, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Branae. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Forrester, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Amy Branger, Billings  
John Cannon, Butte  
Paul Chambers, Alberton  
Ben Kappelman, Missoula  
Scott McCue, Missoula  
Ashley Miller, Billings  
Peggy Peiffer, Huron, South Dakota  
Kristi Uribe, Power

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/27/2003  
Correctly printed: **HB 47, HB 137, HB 311, HB 317.**  
Correctly engrossed: **HB 76, HB 122, HB 130, HB 181, HB 321, HB 338, HB 354.**

**EDUCATION** (Andersen, Chairman): 1/27/2003  
**HB 103**, do pass. Report adopted.  
**HB 135**, do pass. Report adopted.  
**HJR 8**, introduced joint resolution, be amended as follows:

1. Page 2, line 12.

**Following:** "including"

**Insert:** "but not limited to"

**Following:** "age,"

**Insert:** "the number of individuals with disabilities, opportunities for other educational choices,"

And, as amended, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 1/23/2003  
**HB 121**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "IMMEDIATE"

2. Page 1, line 28.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/25/2003

**SB 47**, introduced by Gebhardt  
**SB 57**, introduced by Keenan  
**SB 76**, introduced by Schmidt  
**SB 78**, introduced by McCarthy  
**SB 97**, introduced by Story  
**SB 141**, introduced by Wheat  
**SB 143**, introduced by Bohlinger  
**SB 146**, introduced by Anderson  
**SB 180**, introduced by D. Ryan  
**SB 188**, introduced by Cocchiarella  
**SB 206**, introduced by Anderson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 443**, introduced by Lange, A. Olson, referred to Federal Relations, Energy, and Telecommunications.  
**HB 444**, introduced by Pattison, Barkus, R. Brown, Brueggeman, Devlin, Glaser, Kasten, Keenan, Laszloffy, Lewis, Stapleton, Tester, F. Thomas, Witt, referred to Transportation.  
**HB 445**, introduced by Pattison, Barkus, Hedges, Peterson, Witt, referred to Transportation.  
**HB 446**, introduced by Jayne, Bixby, Buzzas, Gillan, Small-Eastman, Smith, referred to Human Services.  
**HB 447**, introduced by Jayne, Bixby, Buzzas, referred to Judiciary.  
**HB 448**, introduced by Harris, referred to Judiciary.  
**HB 449**, introduced by Facey, Buzzas, Galvin-Halcro, referred to Education.  
**HB 450**, introduced by Newman, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 7**, introduced by Butcher, referred to State Administration.  
**SB 136**, introduced by Butcher, referred to State Administration.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:06 p.m.

House reconvened at 1:30 p.m. All members present, except Representative Forrester, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 309** - Representative R. Brown moved **HB 309** do pass.

Representative Gallik posed a parliamentary question whether **HB 309** was a constitutional amendment requiring a 2/3 vote and not a bill.

Chairman Younkin requested a meeting of the Rules Committee.

The House stood at ease.

The Rules Committee ruled that **HB 309** is a bill and not a constitutional amendment.

Motion that **HB 309** do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Voted Absentee: Forrester, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 112** - Representative Pattison moved **HB 112** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

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Noes: Bixby, Buzzas, Cyr, Dowell, Juneau, Weiss.  
Total 6

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 189** - Representative R. Brown moved consideration of **HB 189** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 42

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 63** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53



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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Keane, Laslovich, Lawson, Lindeen, Maedje, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 94** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: E. Clark, Devlin, Everett, Morgan, Noennig, Rice, Ripley, Rome, Waitschies.

Total 9

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 105** passed as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Andersen, Rice, Sales.

Total 3

Excused: Forrester.

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Total 1

Absent or not voting: None.

Total 0

**HB 116** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 72

Noes: Andersen, Balyeat, Barrett, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Jackson, Laszloffy, Lehman, Maedje, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies, Witt.

Total 27

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 164** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Andersen, Balyeat, Barrett, E. Clark, Devlin, Everett, Hawk, Hurwitz, Jackson, Kasten, Laszloffy, Rice, Ripley, Rome, Sales, Sinrud.

Total 16

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 170** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**HB 171** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester.  
Total 1

Absent or not voting: Sales.  
Total 1

**HB 187** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried,

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Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Erickson, Franklin, Gutsche, Juneau, Kaufmann.  
Total 5

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**HB 196** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: R. Brown.  
Total 1

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**HB 207** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Forrester.

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Total 1

Absent or not voting: None.

Total 0

**HB 208** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Bixby.

Total 1

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 209** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 210** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**HB 212** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Roberts.  
Total 1

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 3**, introduced by Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, DePratu, Devlin, Everett, Fuchs, Hurwitz, Jackson, Kasten, Lambert, Laszloffy, Maedje, Malcolm, Mood, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Wagman, Witt, referred to State Administration.

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**MOTIONS**

Representative R. Brown moved **HB 189** be taken from second reading this day and be rereferred to the Committee on Transportation. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Gibson.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, January 28, 2003. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 28, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Kasten. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/28/2003  
Correctly printed: **HB 103, HB 135.**  
Correctly engrossed: **HB 121, HJR 8.**

**EDUCATION** (Andersen, Chairman): 1/28/2003  
**HB 366**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 1/27/2003  
**HB 218**, introduced bill, be amended as follows:

1. Title, line 22.

**Following:** "STATES"

**Insert:** "AND CANADIAN PROVINCES"

2. Page 3, line 20.

**Following:** "each"

**Insert:** "cask that is being transported on highways by"

3. Page 4, line 19.

**Following:** "states"

**Insert:** "and provinces"

And, as amended, do pass. Report adopted.

**HB 287**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "WHO"

**Insert:** "PURPOSELY"

2. Page 1, line 17.

**Following:** "who"

**Insert:** "purposely"

3. Page 1, line 17 through 18.

**Following:** "body" on line 17

**Strike:** ", rural fire district, fire service area, or fire company"

**Insert:** "or recognized protection agency"



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And, as amended, do pass. Report adopted.

**RULES** (Brown, Chairman): 1/28/2003  
**SJR 1**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman): 1/28/2003  
**HB 87**, do pass. Report adopted.  
**HB 114**, do pass. Report adopted.  
**HB 143**, do pass. Report adopted.  
**HB 155**, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman): 1/24/2003  
**HB 381**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Following:** "REESTABLISH THE"  
**Insert:** "STATE"  
**Following:** "TAX OR"  
**Insert:** "STATEWIDE"

2. Page 1, line 14.  
**Following:** "either the"  
**Insert:** "state"  
**Following:** "or the"  
**Insert:** "statewide"

3. Page 1, line 21.  
**Following:** "reestablish the"  
**Insert:** "state"  
**Following:** "tax or"  
**Insert:** "statewide"

4. Page 1, line 23.  
**Following:** "reestablish the"  
**Insert:** "state"  
**Following:** "tax or"  
**Insert:** "statewide"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman): 1/27/2003  
**HB 30**, do pass. Report adopted.  
**HB 71**, do pass. Report adopted.  
**HB 80**, do pass. Report adopted.  
**HB 237**, introduced bill, be amended as follows:

1. Title, line 5.

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**Strike:** "AND"

**Following:** "PENALTY"

**Insert:** "; AND PROVIDING A DELAYED APPLICABILITY DATE"

2. Page 1, line 9.

**Following:** "A"

**Insert:** "commercial"

**Following:** "vehicle"

**Insert:** ", as defined in 61-1-134,"

3. Page 1.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 4. Applicability.** [Section 2] applies to violations occurring on or after April 1, 2004."

And, as amended, do pass. Report adopted.

**HB 250**, do pass. Report adopted.

**HB 259**, do pass. Report adopted.

**HB 280**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/27/2003

**SB 8**, introduced by Sprague

**SB 35**, introduced by Grimes

**SB 66**, introduced by Bohlinger

**SB 81**, introduced by Cooney

**SB 96**, introduced by Kitzenberg

**SB 109**, introduced by McNutt

**SB 110**, introduced by Toole

**SB 162**, introduced by Story

**SB 172**, introduced by McNutt

**Senate joint resolution** passed and transmitted to the House for concurrence:

1/27/2003

**SJR 8**, introduced by Tester

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 451**, introduced by E. Clark, referred to Judiciary.

**HB 452**, introduced by Raser, referred to Taxation.

**HB 453**, introduced by Raser, referred to Judiciary.

**HB 454**, introduced by Ripley, Andersen, Barrett, Bookout-Reinicke, R. Brown, Fisher, Haines, Hawk, Hurwitz, Lake, Lange, Lehman, Maedje, Morgan, A. Olson, B. Olson, Pattison, Rice, Rome, Ross, Schrumpf, Sinrud, Steinbeisser,

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Stoker, B. Thomas, Wagman, referred to State Administration.

**HB 455**, introduced by Lake, Branae, Haines, Hawk, Hurwitz, Mendenhall, Morgan, Ripley, Schrumpf, referred to Agriculture.

**HB 456**, introduced by Parker, Facey, Franklin, Mangan, Newman, referred to Judiciary.

**HB 457**, introduced by Lawson, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gillan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 125** - Representative Lambert moved **HB 125** do pass.

Representative Lambert moved **HB 125**, second reading copy, be amended as follows:

1. Page 4, line 16.

**Following:** "TO"

**Insert:** "penalties and interest assessed for"

**Strike:** "YEARS"

**Insert:** "periods"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Forrester, Golie, Keane.

Total 3

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

Representative Cohenour moved consideration of **HB 125** be passed for the day. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,

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Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 125**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Dowell, Everett, Fisher, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lawson, Small-Eastman, Smith, Wilson, Windy Boy.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 156** - Representative Matthews moved **HB 156** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

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Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 217** - Representative Brueggeman moved **HB 217** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Buzzas, Carney, Franklin, Galvin-Halcro, Golie.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 238** - Representative Andersen moved **HB 238** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Buzzas.

Total 1

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 261** - Representative Haines moved **HB 261** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 76

Noes: Balyeat, Barrett, Becker, D. Brown, P. Clark, Dowell, Everett, Franklin, Fuchs, Golie, Hawk, Jayne, Lange, Maedje, Newman, Parker, Pattison, Rice, Ryan, Sales, Sinrud, Steinbeisser, Wagman, Wilson.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 323** - Representative Jent moved **HB 323** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 279** - Representative R. Brown moved consideration of **HB 279** be passed for the day. Motion carried.

**HB 248** - Representative Balyeat moved **HB 248** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas, Erickson, Fritz.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 315** - Representative Lawson moved **HB 315** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 231** - Representative R. Brown moved consideration of **HB 231** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gillan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: P. Clark, Golie, Keane, Ryan, Small-Eastman.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Bixby, Fisher, Noennig.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 112** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Branae, Buzzas, Cyr, Dowell, Gibson, Weiss, Windy Boy.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Fuchs, Gallus, Lange.  
Total 3

**HB 309** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.



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Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**MOTIONS**

Representative R. Brown moved **HB 361** be taken from the Committee on Natural Resources and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 279** be taken from second reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 125** be taken from third reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 231** be taken from second reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 73**: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufman, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, January 29, 2003. Motion carried.

House adjourned at 2:42 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 29, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Witt. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas and Franklin, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eleventh, twelfth, thirteenth, and fourteenth legislative days, find the same to be correct.  
Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/29/2003  
Correctly printed: **HB 30, HB 71, HB 80, HB 87, HB 114, HB 143, HB 155, HB 250, HB 259, HB 280, HB 366.**  
Correctly engrossed: **HB 218, HB 237, HB 287, HB 381.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/28/2003  
**HB 363**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 1/29/2003  
**HB 266**, do pass. Report adopted.  
**HJR 11**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 1/28/2003  
**HB 340**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/28/2003  
**HB 14**, introduced bill, be amended as follows:

1. Page 2, line 11 through line 12.  
**Strike:** "a jury" on line 11 through "court" on line 12  
**Insert:** "only one jury trial in a misdemeanor case"
2. Page 2, line 13 through line 14.  
**Strike:** "a jury" on line 13 through the second "court" on line 14  
**Insert:** "only one jury trial in a misdemeanor case"

And, as amended, do pass. Report adopted.

**HB 195**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.  
**Strike:** "THE SECOND" on line 5 through "OF" on line 6
2. Page 6, line 15.  
**Strike:** "\$100"

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**Insert:** "\$300"

3. Page 6, line 16.

**Strike:** "\$500"

**Insert:** "\$1,000"

4. Page 6, line 22.

**Strike:** "\$300"

**Insert:** "\$600"

5. Page 6, line 23.

**Strike:** "\$500"

**Insert:** "\$1,000"

6. Page 7, line 1.

**Strike:** "\$500"

**Insert:** "\$1,000"

**Strike:** "\$1,000"

**Insert:** "\$5,000"

7. Page 7, line 10.

**Strike:** "\$100"

**Insert:** "\$300"

**Strike:** "\$500"

**Insert:** "\$1,000"

8. Page 7, line 13.

**Strike:** "\$300"

**Insert:** "\$600"

**Strike:** "\$500"

**Insert:** "\$1,000"

9. Page 7, line 17.

**Strike:** "\$500"

**Insert:** "\$1,000"

**Strike:** "\$1,000"

**Insert:** "\$5,000"

And, as amended, do pass. Report adopted.

**HB 220**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "46-18-201,"

**Insert:** "46-18-237,"

2. Page 3, line 29.

**Insert:** "**Section 2.** Section 46-18-237, MCA, is amended to read:

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**"46-18-237. Garnishment -- report by supervising authority.** (1) If the department of corrections becomes aware that a prisoner person while incarcerated under the legal custody of the department of corrections or a person supervised by the department is entitled to receive money from any source, the prisoner's person's supervising authority may prepare a report identifying:

- (a) the total costs incurred by the state or county during the prisoner's person's incarceration;
- (b) the criminal sentences imposed upon the prisoner person, including:
  - (i) the amount of restitution, if any, ordered in each sentence;
  - (ii) the name and current address of each victim or other person to whom restitution is owed;
  - (iii) the amount of restitution paid by the prisoner person; and
  - (iv) the amount of restitution currently owed by the prisoner person for each sentence;
- (c) the amount of any child support owed by the prisoner person.

(2) The supervising authority shall provide notice and a copy of the report to the board of crime control and the county attorney for the county in which the prisoner person was sentenced, either of whom may submit the report along with a petition for garnishment to the court that sentenced the prisoner person. The court may order garnishment of the prisoner's person's money for the payment of restitution, child support, and per diem costs of incarceration owed by the prisoner person. Upon receipt of the petition, the court shall provide a copy of the report to the prisoner person, who has 15 days following receipt to file an objection. The court may hold a hearing to consider objections raised by the prisoner person.

(3) Upon compliance with the provisions of subsections (1) and (2), the court shall determine the amount of restitution, child support, and repayment for per diem costs owed by the prisoner person. The court shall order, up to the amount of money available, payment of an amount equal to the restitution owed by the prisoner person to the person designated under 46-18-245 to supervise the making of restitution payments, any outstanding child support payments to the department of public health and human services for disbursement to the obligee, and per diem costs owed by the prisoner person. All restitution owed by the prisoner person must be paid prior to payment of any child support payments. All child support owed by the prisoner person must be paid prior to the payment of any per diem costs.""

**Renumber:** subsequent sections

3. Page 4, line 4.

**Following:** "offender"

**Insert:** "or the offender's estate"

4. Page 4, line 4 through line 5.

**Strike:** "or the" on line 4 through "first," on line 5

5. Page 5, line 9.

**Strike:** "may receive"

**Insert:** "shall accept"

And, as amended, do pass. Report adopted.

**HB 240**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.

**Strike:** "THE SHERIFF" on line 6 through "SENTENCE" on line 8

**Insert:** "AN ORDER SIGNED BY THE SENTENCING JUDGE ON THE DATE OF ORAL PRONOUNCEMENT OF SENTENCE STATING THAT THE DEFENDANT IS SENTENCED TO THAT PLACE FOR IMPRISONMENT, COMMITMENT, PLACEMENT, OR EXECUTION, AS THE CASE MAY BE; PROVIDING THAT THE ORDER IS AUTHORITY FOR THAT PLACE TO HOLD THE DEFENDANT

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PENDING RECEIPT BY THAT PLACE OF A COPY OF THE WRITTEN JUDGMENT"

2. Page 2, line 7 through line 8.

**Strike:** "a letter" on line 7 through "sentence" on line 8

**Insert:** "an order, which must be signed by the sentencing judge on the date of oral pronouncement of sentence, stating that the defendant is sentenced to that place for imprisonment, commitment, placement, or execution, as the case may be. The order is authority for that place to hold the defendant pending receipt by that place of a copy of the written judgment"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):  
**HB 115**, introduced bill, be amended as follows:

1/29/2003

1. Page 1, line 22.

**Following:** "school."

**Insert:** "the emergency medical services and injury prevention section of the health policy and services division in the department of public health and human services, the department of fish, wildlife, and parks, a representative of Montana hospitals,"

2. Page 1, line 26.

**Following:** "and"

**Insert:** "and"

3. Page 1, line 27.

**Following:** the first "governor"

**Strike:** ", " through "appoint"

And, as amended, do pass. Report adopted.

**HB 133**, do pass. Report adopted.  
**HB 154**, introduced bill, be amended as follows:

1. Page 13, line 3.

**Strike:** "retirement"

**Insert:** "termination"

2. Page 13, line 4.

**Strike:** "final"

**Following:** "3 years"

**Insert:** "used to calculate average final compensation"

3. Page 13, line 7.

**Strike:** "If"

**Insert:** "Subject to subsection (2)(b), if"

4. Page 13, line 8.

**Strike:** "earned compensation for"

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5. Page 13, lines 9 through 13.

**Strike:** "in the" on line 9 through "full-time" on line 13

**Insert:** ", the member's average final compensation may be calculated as follows:

(i) if the member's part-time service credit in the public employees' retirement system plus the member's part-time service credit in the teachers' retirement system equals 1 year in any of the fiscal years used in determining average final compensation, then the member's annual salary for that fiscal year must be the member's salary as a member of the public employees' retirement system plus the member's salary as a member of the teachers' retirement system; or

(ii) if the member's part-time service credit in the public employees' retirement system plus the member's part-time service credit in the teachers' retirement system equals less than 1 year in any of the fiscal years used to determine average final compensation, then the member's part-time salary as a member of the public employees' retirement system plus the member's part-time salary as a member of the teachers' retirement system must be divided by the sum of the member's part-time teachers' retirement system service credit and the member's part-time public employees' retirement system service credit, divided by the member's part-time teachers' retirement system service credit"

And, as amended, do pass. Report adopted.

**HB 213**, introduced bill, be amended as follows:

1. Title, page 1, line 28.

**Strike:** "AND"

2. Title, page 1, line 29.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 10.

**Strike:** "use by the board"

**Insert:** "the purposes of the public employees' retirement board provided for in 2-15-1009"

4. Page 13, line 2.

**Strike:** the second "a"

**Insert:** "an existing"

5. Page 13, line 3.

**Strike:** "existing"

6. Page 26, line 14.

**Following:** "credit"

**Insert:** "and membership service"

7. Page 26, lines 20, 29, and 30.

**Following:** "credit"

**Insert:** "and membership service"

8. Page 27, line 2.

**Following:** "credit"

**Insert:** "and membership service"

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9. Page 29, line 30.

**Strike:** "also"

10. Page 32, line 2.

**Following:** "(1)(a)"

**Strike:** " "

**Following:** "or"

**Insert:** "or"

**Strike:** ", or (2)"

11. Page 40, line 9.

**Strike:** "value"

**Insert:** "amount"

12. Page 42, line 11.

**Following:** the first "the"

**Insert:** "service"

13. Page 44, line 7.

**Following:** "terminate the"

**Insert:** "service"

14. Page 49, line 10.

**Strike:** "under"

**Following:** "age"

**Insert:** "or less"

15. Page 53, line 4.

**Strike:** "as defined in 19-2-907"

16. Page 56, lines 11 and 24.

**Following:** "credit"

**Insert:** "and membership service"

17. Page 57, lines 2, 3, 5, and 11.

**Following:** "credit"

**Insert:** "and membership service"

18. Page 62, lines 23 and 28.

**Following:** "credit"

**Insert:** "and membership service"

19. Page 63, lines 6, 7, 9, and 11.

**Following:** "credit"

**Insert:** "and membership service"

20. Page 65, line 12.

**Strike:** ", as defined in 19-2-907"

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21. Page 70, lines 7, 12, 20, 21, and 23.

**Following:** "credit"

**Insert:** "and membership service"

22. Page 74, lines 6, 13, 21, 22, and 24.

**Following:** "credit"

**Insert:** "and membership service"

23. Page 74, line 26.

**Following:** "service"

**Insert:** "credit and membership service"

24. Page 82, lines 14, 21, 29, and 30.

**Following:** "credit"

**Insert:** "and membership service"

25. Page 83, lines 2, 4, and 6.

**Following:** "credit"

**Insert:** "and membership service"

26. Page 90.

**Following:** line 11

**"NEW SECTION. Section 122. Coordination instruction.** If either House Bill No. 44 or Senate Bill No. 66, or both, and [this act] are passed and approved then:

(1) Section 22 of [this act], amending 19-3-503, MCA, must read as follows:

**"Section 22.** Section 19-3-503, MCA, is amended to read:

**"19-3-503. Application to purchase military service.** (1) (a) Except as provided in subsection ~~(2)~~ (1)(b) and subject to 19-3-514, a member with at least ~~10~~ 5 years of membership service ~~credit~~ may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's active service in the armed forces of the United States, including the first special service force or the American merchant marine in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945.

~~(b) To purchase this service, the member shall pay the actuarial cost of the member's military service, based on the system's most recent actuarial valuation.~~

~~(2)(b)~~ A member is not eligible to purchase active military service credit and membership service under ~~this section~~ subsection (1)(a) if the member:

~~(a)(i)~~ (i) has retired from active duty in the armed forces of the United States, including the first special service force or the American merchant marine in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945, with a military service retirement benefit based on that military service;

~~(b)(ii)~~ (ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or

~~(c)(iii)~~ (iii) is eligible to receive credit for that service in any other retirement system or plan.

(2)(a) Except as provided in subsection (2)(b) and subject to 19-3-514, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section, the member shall pay the



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actuarial cost of the member's active or reserve military service credit based on the system's most recent actuarial valuation."

(2) Section 66 of [this act], amending 19-6-801, must read as follows:

**"Section 66.** Section 19-6-801, MCA, is amended to read:

**"19-6-801. Application to purchase military service.** (1) ~~(a)~~ Except as ~~otherwise~~ provided in ~~this section~~ subsection (1)(b) and subject to 19-6-805, ~~a~~ an eligible member with at least 15 years of service credit may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's active service in the armed forces of the United States for the purpose of calculating retirement benefits.

~~(2) To purchase this military service:~~

~~(a) a member who is not covered by 19-6-710 shall contribute the amount determined by the board to be due based on the member's compensation and regular contribution rate in the member's 16th year for the 1st year purchased and, for each subsequent year purchased, an amount based on the member's compensation and contribution rate in each of as many years succeeding the member's 16th year as are required to complete the purchase, with regular interest from the date the member becomes eligible for this benefit to the date the purchase is complete. The member may not purchase more military service under this subsection (2)(a) than the member has service credit in excess of 15 years.~~

~~(b) a member who is covered by 19-6-710 shall pay the actuarial cost of the member's military service, based on the system's most recent actuarial valuation.~~

~~(3)(b)~~ A member is not eligible to purchase active military service credit and membership service under ~~this section~~ subsection (1)(a) if the member:

~~(a)(i)~~ has retired from active duty in the armed forces of the United States with military retirement benefits based on that military service;

~~(b)(ii)~~ is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or

~~(c)(iii)~~ is eligible to receive credit for that service in any other retirement system or plan.

(2) (a) Except as provided in subsection (2)(b) and subject to 19-6-805, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section:

(a) a member with at least 15 years of service credit who is not covered by 19-6-710 shall contribute the amount determined by the board to be due based on the member's compensation and regular contribution rate in the member's 16th year for the 1st year purchased and, for each subsequent year purchased, an amount based on the member's compensation and contribution rate in each of as many years succeeding the member's 16th year as are required to complete the purchase, with regular interest from the date the member becomes eligible for this benefit to the date the purchase is complete. The combined total of active and reserve military service credit that a member may purchase may be no more than the member's service credit in excess of 15 years or 5 years, whichever is less.

(b) a member with at least 5 years of membership service who is covered by 19-6-710 shall pay the actuarial cost of the member's active or reserve military service credit based on the system's most recent actuarial valuation."

(3) Section 76 of [this act], amending 19-7-803, must read as follows:

**Section 76.** Section 19-7-803, MCA, is amended to read:

**"19-7-803. Application to purchase military service.** (1) ~~(a)~~ Except as ~~otherwise~~ provided in ~~this section~~ subsection (1)(b) and subject to 19-7-805, a member with at least ~~15~~ 5 years of membership service credit may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service

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~~for up to 5 years of the member's active service in the armed forces of the United States for the purpose of calculating retirement benefits.~~

~~(2) To purchase this military service, the member shall pay the actuarial cost of the member's military service, based on the system's most recent actuarial valuation.~~

~~(3)(b) A member is not eligible to purchase active military service credit and membership service under this section subsection (1)(a) if the member:~~

~~(a)(i) has retired from active duty in the armed forces of the United States with military retirement benefits based on that military service;~~

~~(b)(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or~~

~~(c)(iii) is eligible to receive credit for that service in any other retirement system or plan.~~

(2) (a) Except as provided in subsection (2)(b) and subject to 19-7-805, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section, the member shall pay the actuarial cost of the member's active or reserve military service credit based on the system's most recent actuarial valuation.

~~(4) Military service credit purchased under this section subsection (1) or (2) is not membership service and may not be used in determining the member's eligibility for a service retirement benefit."~~

(4) Section 77 of [this act], amending 19-7-804, must read as follows:

**Section 77.** Section 19-7-804, MCA, is amended to read:

**"19-7-804. Application to purchase additional service.** (1) Subject to 19-7-805, a member with at least 5 years of membership service may, at any time before retirement, file a written application with the board to purchase 1 additional year of service credit for each 5 years of membership service.

(2) To purchase service credit under this section, a member shall pay the actuarial cost of the service credit in the sheriffs' retirement system, as determined by the board, based on the system's most recent actuarial valuation.

~~(3) Service purchased under this section may not be used to qualify a member for the purchase of military service under 19-7-803.~~

~~(4)(3) Service credit purchased under this section must be credited for the purpose of meeting retirement eligibility and for calculating retirement benefits."~~

(5) Section 87 of [this act], amending 19-8-901, must read as follows:

**Section 87.** Section 19-8-901, MCA, is amended to read:

**"19-8-901. Application to purchase military service.** (1) (a) Except as ~~otherwise~~ provided in ~~this section~~ subsection (1)(b) and subject to 19-8-906, a member with at least ~~15~~ 5 years of membership service credit may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's active service in the armed forces of the United States ~~for the purpose of calculating retirement benefits.~~

~~(b) To purchase this military service, the member shall pay the actuarial cost of the member's military service, based on the system's most recent actuarial valuation as determined by the board.~~

~~(2)(b) A member is not eligible to purchase active military service credit and membership service under this section subsection (1)(a) if the member:~~

~~(a)(i) has retired from active duty in the armed forces of the United States with military retirement benefits based on that military service;~~

~~(b)(ii) is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or~~

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~~(c)(iii)~~ is eligible to receive credit for that service in any other retirement system or plan.

(2) (a) Except as provided in subsection (2)(b) and subject to 19-8-906, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section, the member shall pay the actuarial cost of the member's active or reserve military service based on the system's most recent actuarial valuation."

(6) Section 93 of [this act], amending 19-9-403, must read as follows:

**Section 93.** Section 19-9-403, MCA, is amended to read:

**"19-9-403. Application to purchase military service.** (1) (a) Except as ~~otherwise~~ provided in ~~this section~~ subsection (1)(b) and subject to 19-9-406, a member with at least ~~15~~ 5 years of membership service ~~credit~~ may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's active duty service in the armed forces of the United States ~~for the purpose of calculating retirement benefits~~.

(2) ~~To purchase this military service, the member shall pay the actuarial cost of the member's military service, based on the system's most recent actuarial valuation.~~

~~(3) The member may not purchase more military service than the member's years of membership service in excess of 15 years.~~

~~(4)(b)~~ A member is not eligible to purchase active military service credit and membership service under ~~this section~~ subsection (1)(a) if the member:

~~(a)(i)~~ has retired from active duty in the armed forces of the United States with a military retirement benefit based on that military service;

~~(b)(ii)~~ is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or

~~(c)(iii)~~ is eligible to receive credit for that service in any other retirement system or plan.

(2) (a) Except as provided in subsection (2)(b) and subject to 19-9-406, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section, the member shall pay the actuarial cost of the member's active or reserve military service credit based on the system's most recent actuarial valuation."

(7) Section 107 of [this act], amending 19-13-403, must read as follows:

**Section 107.** Section 19-13-403, MCA, is amended to read:

**"19-13-403. Application to purchase military service.** (1) (a) Except as ~~otherwise~~ provided in ~~this section~~ subsection (1)(b) and subject to 19-13-406, a member with at least ~~15~~ 5 years of membership service ~~credit~~ may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's active duty service in the armed forces of the United States ~~for the purpose of calculating retirement benefits~~.

~~(b) To purchase this military service, the member shall pay the actuarial cost of the service, based on the system's most recent actuarial valuation.~~

~~(2) A member may not purchase more military service than the member's years of membership service in excess of 15 years.~~

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~~(3)(b)~~ A member is not eligible to purchase active military service credit and membership service under ~~this section subsection (1)(a)~~ if the member:

~~(a)(i)~~ has retired from active duty in the armed forces of the United States with military retirement benefits based on that military service;

~~(b)(ii)~~ is eligible, pursuant to 19-2-707, to receive credit in the system for that service; or

~~(c)(iii)~~ is eligible to receive credit for that service in any other retirement system or plan.

(2) (a) Except as provided in subsection (2)(b) and subject to 19-13-406, a member with at least 5 years of membership service may, at any time prior to retirement, file a written application with the board to purchase service credit and membership service for up to 5 years of the member's reserve military service in the armed forces of the United States.

(b) A member is not eligible to purchase reserve military service credit and membership service under subsection (2)(a) if the member is eligible, pursuant to 19-2-707, to receive credit in the system for that service.

(3) To purchase service credit and membership service under this section, the member shall pay the actuarial cost of the service credit based on the system's most recent actuarial valuation.

(4) Military service purchased under this section is not membership service and may not be used in determining the member's eligibility for a service retirement benefit."

**Insert:** "NEW SECTION. Section 123. Effective date. [This act] is effective July 1, 2003."

And, as amended, do pass. Report adopted.

**HB 251**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/28/2003

**SB 77**, introduced by Johnson

**SB 82**, introduced by Kitzenberg

**SB 118**, introduced by DePratu

**SB 131**, introduced by Barkus

**SB 149**, introduced by Barkus

**SB 159**, introduced by Johnson

**SB 163**, introduced by Mangan

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 458**, introduced by Musgrove, Hansen, Ripley, Tester, referred to Transportation.

**HB 459**, introduced by R. Brown, referred to Education.

**HB 460**, introduced by Morgan, R. Brown, Lake, Lange, Laszloffy, McGee, referred to Human Services.

**HB 461**, introduced by Gallik, Cohenour, Jacobson, Kaufmann, referred to State Administration.

**HB 462**, introduced by Schrupf, Laszloffy, Mendenhall, referred to Business and Labor.

**HB 463**, introduced by Gallik, referred to Transportation.

**HB 464**, introduced by Forrester, referred to Appropriations.

**HB 465**, introduced by P. Clark, Balyeat, Barrett, Esp, Fuchs, Golie, Rice, Sales, Shockley, Tester, Wanzenried, referred to Fish, Wildlife and Parks.

**HB 466**, introduced by P. Clark, Barrett, Golie, Jent, Rice, Shockley, Tester, Wanzenried, referred to Fish, Wildlife

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and Parks.

**HB 467**, introduced by Barrett, Anderson, Curtiss, Mendenhall, A. Olson, Peterson, Tash, referred to Natural Resources.

**HB 468**, introduced by Gillan, Branae, Cooney, Ellingson, Erickson, Fuchs, Gibson, Mahlum, Nelson, Schmidt, referred to State Administration.

**HB 469**, introduced by Malcolm, referred to State Administration.

**HB 470**, introduced by Harris, Parker, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:32 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kaufmann in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 197** - Representative Becker moved **HB 197** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Fisher, Maedje.

Total 2

Voted Absentee: Buzzas, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: Ross, Sales, Shockley, Thomas.

Total 4

**HB 215** - Representative Brueggeman moved **HB 215** do pass.

Representative Golie moved **HB 215**, second reading copy, be amended as follows:

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1. Title, line 7.

**Following:** "\$100;"

**Insert:** "EXEMPTING THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE FROM THE  
STANDARDIZED REINSTATEMENT FEE;"

2. Page 1, line 14.

**Following:** "license"

**Insert:** ", other than a commercial driver's license,"

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Bergren, Bixby, Branae, R. Brown, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Newman, Parker, Pattison, Raser, Rice, Ripley, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 62

Noes: Andersen, Balyeat, Becker, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Everett, Fisher, Fuchs, Haines, Hedges, Lake, Laszloffy, Lawson, Lehman, McKenney, Morgan, Noennig, A. Olson, B. Olson, Peterson, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 34

Excused: Buzzas, Franklin.  
Total 2

Absent or not voting: Musgrove, Thomas.  
Total 2

Representative Hedges excused at this time.

Representative Maedje moved **HB 215**, second reading copy, be further amended as follows:

1. Title, line 7.

**Strike:** "\$100"

**Insert:** "\$30"

2. Page 1, line 15.

**Strike:** "\$100"

**Insert:** "\$30"

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, P. Clark, Fisher, Fuchs, Gallus, Haines, Hawk, Jayne, Maedje, Malcolm, Ripley, Sales, Shockley, Sinrud, Steinbeisser.  
Total 16

Noes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

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Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 79

Voted Absentee: Hedges, No.

Excused: Buzzas, Franklin.

Total 2

Absent or not voting: Lake, Lewis, Thomas.

Total 3

Motion that **HB 215**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 78

Noes: Balyeat, Barrett, D. Brown, R. Brown, P. Clark, Everett, Fuchs, Hawk, Jayne, Kasten, Laszloffy, Lewis, Malcolm, Mendenhall, Peterson, Rice, Ryan, Sales, Sinrud, Witt, Mr. Speaker.

Total 21

Voted Absentee: Buzzas, Franklin, Hedges, Ayes.

Excused: None.

Total 0

Absent or not voting: Thomas.

Total 1

**HB 233** - Representative Waitschies moved **HB 233** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy

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Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Buzzas, Franklin, Hedges, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 134** - Representative Weiss moved **HB 134** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Jayne.  
Total 1

Voted Absentee: Buzzas, Franklin, Hedges, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HB 234** - Representative Cohenour moved **HB 234** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman,



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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.  
Total 48

Voted Absentee: Buzzas, Franklin, Ayes; Hedges, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 285** - Representative R. Brown moved **HB 285** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Bixby, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Juneau.  
Total 7

Voted Absentee: Buzzas, Franklin, Hedges, Ayes.

Excused: None.  
Total 0

Absent or not voting: Smith.  
Total 1

**HB 312** - Representative Lindeen moved **HB 312** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

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Total 0

Voted Absentee: Buzzas, Franklin, Hedges, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Golie, Ryan, Wilson.

Total 3

Excused: Buzzas, Franklin, Hedges.

Total 3

Absent or not voting: Gallus, Galvin-Halcro, Gibson, Haines, Jayne, Kaufmann, Thomas.

Total 7

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 156** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

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Noes: None.  
Total 0

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: Gallus.  
Total 1

**HB 217** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Carney, Dickenson, Forrester, Galvin-Halcro, Gillan, Golie, Jayne, Keane, Matthews.  
Total 9

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: Jent, Lambert.  
Total 2

**HB 238** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Buzzas, Franklin, Hedges.  
Total 3

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Absent or not voting: Jent.  
Total 1

**HB 248** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Erickson, Fritz, Kaufmann, Sinrud.  
Total 4

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: Sales.  
Total 1

**HB 261** passed as follows:

Ayes: Andersen, Ballantyne, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Becker, P. Clark, Dowell, Everett, Fuchs, Gallus, Golie, Hawk, Jayne, Lange, Maedje, Pattison, Rice, Ryan, Sales, Wagman, Weiss, Wilson.  
Total 20

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: None.  
Total 0

**HB 315** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: None.  
Total 0

**HB 323** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Buzzas, Franklin, Hedges.  
Total 3

Absent or not voting: None.  
Total 0

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 1/29/2003

**SB 164**, introduced by Mangan  
**SB 195**, introduced by Mangan  
**SB 258**, introduced by F. Thomas

**House bill** concurred in and returned to the House: 1/29/2003

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**HB 21**, introduced by Smith

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 164**, introduced by Mangan, referred to Human Services.

**SB 195**, introduced by Grimes, Ellingson, Cooney, Keenan, Mahlum, McGee, Nelson, Pease, Tash, Tester, F. Thomas, Wheat, referred to State Administration.

**SB 258**, introduced by F. Thomas, R. Brown, Brueggeman, Keenan, Laszloffy, McNutt, Mood, Stapleton, referred to Joint Select Committee on Districting and Apportionment.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, January 30, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
TWENTIETH LEGISLATIVE DAY**

Helena, Montana  
January 30, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Peterson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifteenth, sixteenth, and seventeenth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/30/2003

Correctly printed: **HB 133, HB 251, HB 340, HB 363, HJR 11.**

Correctly engrossed: **HB 14, HB 115, HB 154, HB 195, HB 213, HB 220, HB 240, HB 266.**

**AGRICULTURE** (Rice, Chairman): 1/29/2003

**HB 299**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "GROSS"

2. Page 1, line 14.

**Following:** "animals"

**Strike:** "is"

**Insert:** "may be"

**Following:** "for"

**Strike:** "all"

3. Page 1, line 15.

**Following:** "animals was"

**Strike:** "grossly"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/29/2003

**HB 403**, do pass. Report adopted.

**HB 404**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Following:** "(d)"

**Insert:** "a general statement concerning"

2. Page 1, line 21.

**Strike:** "record of"

**Insert:** "general statement concerning"

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**Following:** " ;"

**Insert:** "and"

3. Page 1, line 22 through line 23.

**Strike:** subsection (f) in its entirety

**Renumber:** subsequent subsection

4. Page 1, line 26.

**Following:** "writing,"

**Insert:** "contain the date by which the response is needed, be"

5. Page 1, line 27.

**Following:** "request"

**Insert:** "or by certified mail"

6. Page 1, line 28.

**Following:** "information."

**Insert:** "The applicant, upon request, must be provided by the law enforcement agency with a copy of all information provided in response to a request under this section."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

1/29/2003

**HB 20**, do pass. Report adopted.

**HB 32**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "MOUNTAIN LIONS"

**Strike:** "AND BOBCATS"

2. Title, line 5.

**Following:** "DURING"

**Insert:** "WINTER"

**Following:** "DOGS;"

**Insert:** "ALLOWING THE HUNTING OF BOBCATS DURING TRAPPING SEASON WITH THE AID OF A DOG OR DOGS;"

3. Title, line 6.

**Following:** "DOGS;"

**Insert:** "CREATING A CLASS D-3 RESIDENT HOUND TRAINING LICENSE AND ESTABLISHING THE CONDITIONS AND FEE FOR THE LICENSE;"

4. Page 2, line 2.

**Following:** "lions"

**Strike:** "and bobcats"

**Following:** "during"

**Insert:** "the winter"

**Following:** "season"



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**Insert:** ", as established by the commission,"

5. Page 2, following line 3.

**Insert:** "(b) A person may hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs."

**Renumber:** subsequent subsection

6. Page 2, line 4.

**Following:** "A"

**Strike:** "person"

**Insert:** "resident who possesses a Class D-3 resident hound training license"

7. Page 2, line 5.

**Following:** "December"

**Strike:** "1"

**Insert:** "2"

8. Page 2, line 6.

**Insert:** "NEW SECTION. Section 2. Class D-3--resident hound training license. A person who is a resident, as defined in 87-2-102, and who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of a fee of \$5, may receive a Class D-3 hound training license that entitles the holder to use a dog or dogs to aid in pursuing mountain lions or bobcats during the training season established in 87-3-124(3)(c)."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 87, chapter 2, part 5, and the provisions of Title 87, chapter 2, part 5, apply to [section 2]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 99**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/29/2003

**HB 246**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "MAKING" on line 4 through "ARRESTED" on line 5

**Insert:** "WHO IS ABOUT TO INTERROGATE A PERSON WHO IS IN CUSTODY TO GIVE THE"

2. Title, page 1, line 5 through line 6.

**Strike:** "; AND" on line 5 through "MCA" on line 6

3. Page 1, line 10 through page 2, line 1.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Miranda warning prior to custodial interrogation. Before interrogating a person who is in custody, a peace officer shall inform the person that the person has the right to remain silent, that anything the person says can be used against the person in a court of law, that the person has the right to speak to an attorney and to have an attorney present during any questioning, and that if the person cannot afford an attorney, one will be provided for the person at no cost to the person. A person who is stopped under 46-5-401 and 46-5-402 is not in custody unless the stop goes beyond the purposes of those sections."

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**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 6, part 1, and the provisions of Title 46 apply to [section 1]."

And, as amended, do pass. Report adopted.

**HB 389**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 223**, introduced bill, be amended as follows:

1/28/2003

1. Title, page 1, line 7.

**Following:** "PROCEEDS;"

**Insert:** "PROHIBITING THE SALE OF STATE LAND TO THE FEDERAL GOVERNMENT;"

2. Title, page 1, line 10.

**Following:** "LANDS;"

**Insert:** "PROHIBITING CREATION OF RIGHT OF ACCESS; PROVIDING A DEADLINE FOR LAND SALES UNDER THE LAND BANKING PROCESS; REQUIRING A REPORT TO THE ENVIRONMENTAL QUALITY COUNCIL;"

3. Page 4, line 9 through line 11.

**Strike:** "State" on line 9 through "state." on line 11

4. Page 4, line 13 through line 15.

**Strike:** "As" on line 13 through "value." on line 15

5. Page 4, line 21 through line 22.

**Following:** "land"

**Strike:** "located" on line 21 through "federal government" on line 22

**Following:** "18-11-102." on line 22

**Insert:** "(4)"

6. Page 4.

**Following:** line 25

**Insert:** "(5) State land may not be sold to the federal government or to an agency of the federal government, except nothing in this section prohibits the sale of state land to a tribal government as defined in 18-11-102.

(6) State land may not be sold to any interest unless the title to the land includes a deed restriction that prohibits the sale of the land to the federal government."

7. Page 5, line 6 through line 8.

**Following:** "bidder" on line 6

**Strike:** "under the following restrictions: (a) ~~Lands~~"

**Insert:** "."

8. Page 5, line 10 through line 13.

**Strike:** line 10 through line 13

9. Page 6, line 9.

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**Following:** "through"

**Strike:** "14, may"

**Insert:** "17], must"

10. Page 6, line 12.

**Strike:** "14"

**Insert:** "17"

11. Page 6, line 16.

**Strike:** "14"

**Insert:** "17"

12. Page 6, line 18 through line 19.

**Following:** "a" on line 18

**Strike:** remainder of line 18 through line 19

**Insert:** "legal right of access by the public."

13. Page 6, line 21.

**Following:** "greater"

**Insert:** "or equal"

14. Page 6, line 26.

**Strike:** "14"

**Insert:** "17"

15. Page 7, line 4.

**Strike:** "14"

**Insert:** "17"

16. Page 7, line 18.

**Following:** "board"

**Strike:** "may"

**Insert:** "shall"

17. Page 7, line 22.

**Following:** "than"

**Strike:** "500,000"

**Insert:** "100,000"

**Following:** "land."

**Strike:** "Fifty"

**Insert:** "Seventy-five"

18. Page 7, line 23.

**Following:** "a"

**Strike:** "right of access by public road"

**Insert:** "legal right of access by the public"

19. Page 8.

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**Following:** line 11

**Insert:** "(4) For a sale initiated by the board or the department, the lessee of the land must be afforded all the rights and privileges to match the high bid, as provided in 77-2-324."

20. Page 8, line 24 through line 25.

**Following:** "purposes" on line 24

**Strike:** remainder of line 24 through "land" on line 25

21. Page 8, line 30.

**Strike:** "14"

**Insert:** "17"

22. Page 9, line 1.

**Following:** "greater"

**Insert:** "or equal"

23. Page 9, line 9.

**Strike:** "14"

**Insert:** "17"

24. Page 9.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 15. Right of access not created.** Nothing in [sections 11 through 17] creates any express or implied right of access, right-of-way, or easement for the benefit of the board, the department, or any purchaser of state land over or through any other property."

**Insert:** "NEW SECTION. **Section 16. Land banking process -- time limit -- report to environmental quality council.** (1) State land may not be sold through the land banking process pursuant to [sections 11 through 17] after October 1, 2008. Land banking purchases under [section 14] may continue after October 1, 2008, until all the proceeds in the state land bank fund are expended or revert to the public school fund or the permanent fund of the respective trust pursuant to [section 12(2)(d)].

(2) The department shall provide a report to the environmental quality council by July 1, 2008, that describes the results of the land banking program in detail. At a minimum, the report must summarize the sale and purchase transactions made through the program by type, location, acreage, value, and trust beneficiary. The environmental quality council shall make any recommendations that it determines necessary regarding the implementation of the state land banking process, including recommendations for legislation."

**Insert:** "NEW SECTION. **Section 17. Road easements on state lands.** County roads or easements for county roads on lands purchased from the state of Montana are subject to the provisions of Title 7, chapter 14, part 26, regarding the establishment, alteration, or abandonment of county roads."

**Renumber:** subsequent sections

25. Page 9, line 24.

**Strike:** "14"

**Insert:** "17"

26. Page 9, line 26.

**Strike:** "14"

**Insert:** "17"

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And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

1/29/2003

**HB 376**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "UNIT"

**Insert:** "CAMPUS"

**Following:** "LEVY"

**Insert:** ", SUBJECT TO VOTER APPROVAL,"

2. Title, page 1, line 6.

**Strike:** "UNIT"

**Insert:** "CAMPUS; LIMITING A COUNTY TO ONE MILL LEVY ELECTION IN A YEAR FOR REQUESTING ADDITIONAL FUNDING FOR A CAMPUS OF THE MONTANA UNIVERSITY SYSTEM; AMENDING SECTION 17-7-502, MCA"

3. Page 1, line 10.

**Following:** "education"

**Insert:** "-- limitation"

4. Page 1, line 11.

**Strike:** "unit"

**Insert:** "campus"

5. Page 1, line 12.

**Strike:** "15-10-420"

**Insert:** "15-10-425"

6. Page 1, line 14 through line 15.

**Strike:** "general" on line 14 through "approved by" on line 15

**Insert:** "special revenue fund and are statutorily appropriated, as provided in 17-7-502, to"

7. Page 1, line 15.

**Strike:** "units"

**Insert:** "exclusive use of the campuses"

8. Page 1.

**Following:** line 16

**Insert:** "(3) Notwithstanding the provisions of 15-10-425, a proposition requesting additional funding for a campus of the Montana university system may be submitted to the electors only once in a calendar year."

9. Page 1.

**Following:** line 17

**Insert:** "**Section 2.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of

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the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; section 1; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 406**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 471**, introduced by Wanzenried, Stapleton, Tester, referred to State Administration.

**HB 472**, introduced by Keane, referred to Business and Labor.

**HB 473**, introduced by Lange, referred to Business and Labor.

**HB 474**, introduced by Weiss, Gallik, referred to Business and Labor.

**HB 475**, introduced by Maedje, Jackson, Lenhart, Matthews, Ross, referred to Local Government.

**HB 476**, introduced by Gallik, Buzzas, Cohenour, Forrester, Gallus, Hedges, Jackson, Keenan, Maedje, Mendenhall, B. Olson, Rome, Sinrud, referred to Taxation.

**HB 477**, introduced by Fuchs, Branae, Erickson, Forrester, Gillan, Glaser, Lake, Lambert, Lewis, referred to Taxation.

**HB 478**, introduced by Peterson, referred to Judiciary.

**HB 479**, introduced by Gillan, Branae, Gibson, referred to Federal Relations, Energy, and Telecommunications.

**HB 480**, introduced by Steinbeisser, Lawson, B. Olson, Rome, Smith, Stoker, referred to Judiciary.

**HB 481**, introduced by Lewis, E. Clark, referred to Appropriations.

**HB 482**, introduced by Forrester, Glaser, referred to Business and Labor.

**HB 483**, introduced by Franklin, Cobb, referred to Federal Relations, Energy, and Telecommunications.

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The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 15**, introduced by Wagman, Andersen, Barrett, Brueggeman, P. Clark, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Maedje, Mendenhall, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, B. Thomas, referred to Agriculture.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 134** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Peterson.

Total 1

Absent or not voting: Buzzas.

Total 1

**HB 197** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 233** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Peterson.  
Total 1

Absent or not voting: Maedje.  
Total 1

**HB 234** passed as follows:

Ayes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ross, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 54

Noes: Andersen, Barrett, Bergren, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.  
Total 44

Excused: Peterson.  
Total 1

Absent or not voting: Balyeat.  
Total 1



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**HB 285** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Bixby, Erickson, Fritz, Gutsche, Harris, Juneau, Kaufmann.

Total 8

Excused: Peterson.

Total 1

Absent or not voting: Stoker.

Total 1

**HB 312** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Peterson.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 1** - Representative R. Brown moved **SJR 1** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 18** - Representative Shockley moved **HB 18** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren, Morgan, Younkin.

Total 3

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Representative B. Ryan excused at this time.

**HB 66** - Representative Harris moved **HB 66** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Fisher, Franklin, Kasten, Lewis, Ripley, Rome, Witt.

Total 12

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**HB 166** - Representative Wanzenried moved **HB 166** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 199** - Representative Harris moved **HB 199** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Hurwitz, Jayne.  
Total 2

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 224** - Representative Shockley moved **HB 224** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lehman, Wagman.  
Total 2

**HB 256** - Representative Shockley moved **HB 256** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Balyeat, Becker, R. Brown, Buzzas, Cohenour, Dowell, Erickson, Fritz, Gallik, Gallus, Jayne, Jent, Juneau, Kaufmann, Lange, Lehman, Morgan, Rice, Wanzenried.  
Total 19

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 40** - Representative Newman moved **HB 40** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 87

Noes: Bergren, D. Brown, Buzzas, Devlin, Fuchs, Gallik, Juneau, Kasten, Lehman, Rice, Ripley, Ryan, Witt.  
Total 13

Voted Absentee: Peterson, Aye; Ryan, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 51** - Representative E. Clark moved **HB 51** do pass.

Representative E. Clark moved **HB 51**, second reading copy, be amended as follows:

1. Page 12, line 19.

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**Following:** "retain a"

**Insert:** "category A"

2. Page 13, line 5.

**Following:** "retain a"

**Insert:** "category B"

3. Page 13, line 28.

**Following:** "a"

**Insert:** "category C"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 95

Noes: Golie.

Total 1

Excused: Peterson, Ryan.

Total 2

Absent or not voting: Gillan, Mr. Speaker.

Total 2

Motion that **HB 51**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 98

Noes: None.

Total 0

Voted Absentee: Peterson, Ryan, Ayes.

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Excused: None.  
Total 0

Absent or not voting: Laszloffy, Mr. Speaker.  
Total 2

**HB 130** - Representative Lewis moved **HB 130** do pass.

Representative Brueggeman moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Sales, Steinbeisser, Wilson.  
Total 3

Excused: Peterson, Ryan.  
Total 2

Absent or not voting: Gallus, Gutsche, Harris, A. Olson, Shockley.  
Total 5

Motion that **HB 130** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 82

Noes: Balyeat, Bitney, R. Brown, Devlin, Everett, Forrester, Gallus, Hawk, Lake, Peterson, Sales, Schrumpf, Sinrud, Steinbeisser, Witt, Younkin.  
Total 16

Voted Absentee: Ryan, Aye; Peterson, No.

Excused: None.  
Total 0

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Absent or not voting: Harris, Shockley.  
Total 2

**HB 338** - Representative R. Brown moved consideration of **HB 338** be placed at the bottom of the second reading board. Motion carried.

**HB 47** - Representative P. Clark moved **HB 47** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 92

Noes: Andersen, E. Clark, Devlin, Maedje, A. Olson, B. Olson, Ross, Witt.  
Total 8

Voted Absentee: Peterson, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Peterson, Ryan.  
Total 2



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Absent or not voting: Bergren, Everett, Waitschies.  
Total 3

**MOTIONS**

Representative R. Brown moved **HB 457** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved to suspend the rules for the placement of **SJR 1** on third reading this day. There being no objection, so ordered.

**THIRD READING OF BILLS**

The following joint resolution having been read three several times, title and history agreed to, was disposed of in the following manner:

**SJR 1** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Peterson, Ryan.  
Total 2

Absent or not voting: Buzzas, Gallus.  
Total 2

**MESSAGES FROM THE SENATE**

**House bill** concurred in and returned to the House: 1/30/2003

**HB 1**, introduced by Lewis

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 288**: Cohenour, Ellingson, Haines, Harris, Kitzenberg, Lake.

The following cosponsors were added to **HB 368**: Anderson, Barrett, McCarthy, A. Olson, Tester, Wanzenried.

**ANNOUNCEMENTS**

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TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2003

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, January 31, 2003. Motion carried.

House adjourned at 2:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
January 31, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Morgan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Peterson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

1/31/2003

Correctly printed: **HB 20, HB 99, HB 389, HB 403, HB 406.**

Correctly engrossed: **HB 32, HB 223, HB 246, HB 299, HB 376, HB 404.**

Correctly enrolled: **HB 1, HB 21.**

Examined by the sponsor and found to be correct: **HB 1.**

Signed by the Speaker at 3:30 p.m., January 30, 2003: **HB 1.**

Signed by the Chief Clerk of the House at 3:50 p.m., January 30, 2003: **HB 1.**

Signed by the President at 5:30 p.m., January 30, 2003: **HB 1.**

Delivered to the Governor for approval at 10:23 a.m., January 31, 2003: **HB 1.**

**APPROPRIATIONS** (Lewis, Chairman):

1/30/2003

**HB 60**, do pass. Report adopted.

**HB 158**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "TRANSFER"

**Insert:** "GRANT"

2. Title, page 1, line 8.

**Strike:** "TRANSFERS"

**Insert:** "GRANTS"

3. Title, page 1, line 9.

**Following:** "REPORTS;"

**Insert:** "PROVIDING AN APPROPRIATION;"

4. Page 2, line 10.

**Strike:** "transfer"

**Insert:** "grant"

5. Page 2, line 15.

**Strike:** "transfer"

**Insert:** "grant"

6. Page 2.

**Following:** line 23

**Insert:** "NEW SECTION. **Section 2. Appropriation.** (1) There is appropriated from the general fund to the department of public health and human services \$100,000 for fiscal year 2004 and \$100,000 for fiscal year 2005 for the

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purpose of funding only the grant to a tribe or combination of tribes that have implemented a tribal family assistance plan under the provisions of 53-4-210.

(2) Any funds that are appropriated in subsection (1) that are not expended in each fiscal year for the purpose specified must revert to the general fund."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 176**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "PROGRAM;"

**Insert:** "MODIFYING THE RESPONSIBILITY FOR ADMINISTRATION OF THE FUNDS;"

2. Page 2, line 4.

**Strike:** "commerce"

**Insert:** "natural resources and conservation"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/30/2003

**HB 410**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ALL OF"

2. Title, line 6 through line 7.

**Strike:** "THE EMPLOYER" on line 6 through "REIMBURSES" on line 7

3. Title, line 7.

**Following:** "EMPLOYEE"

**Insert:** "RECEIVES ACTUAL REIMBURSEMENT"

4. Page 1, line 24.

**Following:** "(3)"

**Insert:** "(a)"

5. Page 1, line 25.

**Strike:** "(a)"

6. Page 1, line 25.

**Strike:** "all of"

**Strike:** "full"

**Insert:** "actual"

7. Page 1, line 27.

**Strike:** ";

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8. Page 1, line 28.

**Strike:** "(ii)"

9. Page 1, line 30.

**Strike:** "(b)"

**Insert:** "(ii)"

10. Page 1, following line 30.

**Insert:** "(b) As used in this subsection (3), "actual reimbursement" does not include payments or compensation made as an incentive to the employee to travel to and from a job site."

And, as amended, do pass. Report adopted.

**HJR 14**, introduced joint resolution, be amended as follows:

1. Page 2, line 10.

**Strike:** "professionalization"

**Insert:** "licensure"

And, as amended, be adopted. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 1/30/2003  
**HB 131**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "CLARIFYING" through "VALUE"

**Insert:** "REVISING THE DEFINITION OF "GIFT OF SUBSTANTIAL VALUE""

2. Title, line 6 through line 8.

**Strike:** "DOES" on line 6 through "CEREMONY" on line 8

**Insert:** "MEANS A GIFT WITH A VALUE OF \$100 OR MORE"

3. Page 1, line 19.

**Strike:** "\$50"

**Insert:** "\$100"

4. Page 1, line 28 through line 29.

**Strike:** "or gift" on line 28

**Strike:** ", including" on line 28 through "ceremony" on line 29

5. Page 3, line 7 through line 9.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 303**, introduced bill, be amended as follows:

1. Page 2, line 12.

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**Following:** "~~and~~"

**Insert:** "and"

2. Page 2, line 13 through line 14.

**Strike:** "with" on line 13 through "kilovolts" on line 14

3. Page 2, line 16.

**Strike:** "; ~~and~~"

**Insert:** "if:

(A) the line has a design capacity of more than 69 kilovolts but less than 230 kilovolts; or"

4. Page 2, line 17.

**Strike:** "(iii)" through "~~extending~~"

**Insert:** " (B) the line is less than 150 miles in length and extends"

And, as amended, do pass. Report adopted.

**HB 304**, introduced bill, be amended as follows:

1. Title, lines 4 through 7.

**Strike:** "ELIMINATING" on line 4 through "TAX;" on line 7

2. Title, line 8.

**Following:** "TAX"

**Insert:** "FOR CERTAIN ELECTRICAL GENERATION FACILITIES"

3. Title, line 10.

**Strike:** "CLARIFYING"

**Insert:** "PROVIDING"

4. Title, line 12.

**Strike:** "2008"

**Insert:** "2012"

5. Page 1, line 28.

**Strike:** "2008"

**Insert:** "2012"

6. Page 1, line 29.

**Following:** "~~sell~~"

**Insert:** "to Montana customers and distribution services providers"

7. Page 2, line 25.

**Strike:** "2008"

**Insert:** "2012"

8. Page 2, line 26.

**Following:** "~~sell~~"

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**Insert:** "to Montana customers and distribution services providers"

And, as amended, do pass. Report adopted.

**HB 392**, do pass. Report adopted.

**HJR 12**, introduced joint resolution, be amended as follows:

1. Title, line 6.

**Strike:** "PROPERLY" through "INDEPENDENTLY"

**Insert:** "TOGETHER WITH LAW ENFORCEMENT AGENCIES AND EMERGENCY PERSONNEL AND IN SUPPORT OF OUR MILITARY FORCES"

2. Page 1.

**Following:** line 18

**Insert:** "WHEREAS, our dedicated military personnel, law enforcement agencies, firefighters, and emergency medical personnel require the full support of individual citizens in order to be fully effective; and"

3. Page 1, line 27 through page 2, line 2.

**Strike:** line 27 on page 1 through line 2 on page 2

**Insert:** "WHEREAS, no amount of police and security forces will ever suffice to interdict all terrorist acts without the active support of a watchful, vigilant, and free citizenry; and"

And, as amended, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

1/31/2003

**HB 142**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "BE"

**Insert:** "DIRECTLY"

2. Page 1, line 16 through line 17.

**Strike:** "local" on line 16 through "government," on line 17

3. Page 1, line 17.

**Strike:** "agency,"

4. Page 3, line 26.

**Following:** "government"

**Insert:** ", as defined in 7-12-1103,"

**Following:** "be"

**Insert:** "directly"

And, as amended, do pass. Report adopted.

**HB 152**, do pass. Report adopted.

**HB 272**, do pass. Report adopted.

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**STATE ADMINISTRATION** (Barrett, Chairman):

1/23/2003

**HB 151**, do pass. Report adopted.

**HB 198**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/30/2003

**SB 34**, introduced by Barkus

**SB 86**, introduced by Zook

**SB 135**, introduced by F. Thomas

**SB 137**, introduced by DePratu

**SB 202**, introduced by Johnson

**SB 213**, introduced by Nelson

**SB 242**, introduced by Perry

**Senate joint resolution** passed and transmitted to the House for concurrence:

1/30/2003

**SJR 9**, introduced by Nelson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 484**, introduced by R. Brown, referred to Human Services.

**HB 485**, introduced by B. Ryan, Gallus, Lenhart, Parker, Wilson, referred to Fish, Wildlife and Parks.

**HB 486**, introduced by Kaufmann, Gutsche, Haines, Harris, Jacobson, Roberts, referred to Fish, Wildlife and Parks.

**HB 487**, introduced by Ballantyne, Branae, Callahan, Facey, Laslovich, Musgrove, referred to Taxation.

**HB 488**, introduced by Juneau, referred to Business and Labor.

**HB 489**, introduced by Lehman, referred to Judiciary.

**HB 490**, introduced by Buzzas, Bookout-Reinicke, Callahan, E. Clark, Cohenour, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Kaufmann, Lawson, Raser, Wilson, referred to Taxation.

**HB 491**, introduced by Hedges, referred to Appropriations.

**HB 492**, introduced by Hedges, referred to Appropriations.

**HB 493**, introduced by Branae, referred to Human Services.

**HB 494**, introduced by Wilson, Younkin, referred to Business and Labor.

**HB 495**, introduced by Bixby, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 338** - Representative Keane moved **HB 338** do pass. Motion carried as follows:



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Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, Musgrove, Newman, A. Olson, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 58

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Malcolm, McKenney, Mendenhall, Morgan, Noennig, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 42

Voted Absentee: Peterson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 296** - Representative Jent moved **HB 296** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 54

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 46

Voted Absentee: Peterson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 76** - Representative McKenney moved **HB 76** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz,

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Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Buzzas, Erickson, Gutsche, Harris, Kaufmann, Sales, Small-Eastman.

Total 8

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**HB 103** - Representative Jacobson moved **HB 103** do pass.

Representative R. Brown moved consideration of **HB 103** be passed for the day. Motion carried.

**HB 121** - Representative E. Clark moved **HB 121** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 122** - Representative Forrester moved **HB 122** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett,

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Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 96

Noes: Buzzas, Gallik.  
Total 2

Voted Absentee: Peterson, Aye.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Witt.  
Total 2

**HB 181** - Representative B. Thomas moved **HB 181** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Hawk, Rome.  
Total 2

Voted Absentee: Peterson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 311** - Representative Stoker moved **HB 311** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove,

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Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Bitney, R. Brown, Fuchs, Golie, Hawk, Mendenhall, Sales.

Total 8

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 317** - Representative Shockley moved **HB 317** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: D. Brown, Fuchs, Gallus, Waitschies.

Total 4

Voted Absentee: Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noennig moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice,

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Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Peterson.

Total 1

Absent or not voting: Small-Eastman.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 18** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Peterson.

Total 1

Absent or not voting: None.

Total 0

**HB 40** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 85

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Noes: Barrett, Bergren, E. Clark, Devlin, Fuchs, Gallik, Hurwitz, Juneau, Lehman, Rice, Ripley, Witt.  
Total 12

Excused: Peterson.  
Total 1

Absent or not voting: Everett, Laszloffy.  
Total 2

**HB 47** passed as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 90

Noes: Andersen, E. Clark, Devlin, Maedje, A. Olson, B. Olson, Ross, Smith, Witt.  
Total 9

Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 66** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Bookout-Reinicke, D. Brown, R. Brown, Fuchs, Kasten.  
Total 5

Excused: Peterson.  
Total 1

Absent or not voting: None.

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Total 0

**HB 130** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 88

Noes: Bitney, R. Brown, Cyr, Devlin, Forrester, Hawk, Sales, Schrumpf, Sinrud, Witt, Younkin.

Total 11

Excused: Peterson.

Total 1

Absent or not voting: None.

Total 0

**HB 166** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Peterson.

Total 1

Absent or not voting: Wilson.

Total 1

**HB 199** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Franklin, Hurwitz.  
Total 2

Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 215** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, Bookout-Reinicke, R. Brown, P. Clark, Everett, Hawk, Jayne, Kasten, Lewis, Maedje, Mendenhall, Rice, Roberts, Ryan, Smith, Wagman.  
Total 17

Excused: Peterson.  
Total 1

Absent or not voting: Bixby, Sales.  
Total 2

**HB 224** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99



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Noes: None.  
Total 0

Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 256** passed as follows:

Ayes: Andersen, Ballantyne, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Balyeat, Barrett, Becker, R. Brown, Cohenour, Dowell, Erickson, Forrester, Franklin, Fuchs, Gallik, Jayne, Jent, Kaufmann, Lange, Laszloffy, Lehman, Morgan, Rice, Roberts, Sinrud.  
Total 21

Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 103** be taken from second reading today and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 133** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Cohenour requested on **HB 40**, third reading today, her vote be changed from no to yes. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 380**: Becker, Bixby, P. Clark, Dowell, Gibson, Harris, Parker, Pease, Small-Eastman, Stonington, Weiss, Wheat.

The following cosponsors were added to **HB 451**: Andersen, Anderson, Bales, Barkus, Barrett, Black, Juneau, Lake, Lehman, Lewis, A. Mangan, Olson, Rice, Roush, Story, Taylor, Tropila, Witt.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 9 a.m., Saturday, February 1, 2003. Motion carried.

House adjourned at 2:45 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 1, 2003

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Ashley Miller and piano accompaniment by Representative Schrumpf.

Pledge of Allegiance to the Flag.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

The Speaker introduced the University of Great Falls Trinitas Choir which includes former Senator Chris Christiaens and directed by John Sidlitz who performed two songs for the House.

Roll Call. All members present, except Representatives Bitney, Buzzas, Everett, and Peterson, excused. Quorum present.

Mr. Speaker introduced the honorary page for the day:

Micah Crowley, Helena

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 51** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

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**HB 76** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Erickson, Gutsche, Harris, Kaufmann, Sales, Small-Eastman, Smith.  
Total 8

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 121** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Fritz.  
Total 1

**HB 122** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange,

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Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Gallik, Keane.  
Total 2

**HB 181** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Hawk, Rome, Steinbeisser, Wagman.  
Total 4

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 296** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Morgan, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Roberts, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Kasten, Lange, Laszloffy, Lehman, Lewis, Matthews, McKenney, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Waitschies, Witt.

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Total 33

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: None.

Total 0

**HB 311** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, D. Brown, R. Brown, Golie, Hawk, Laszloffy, Sales, Sinrud.

Total 8

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Parker.

Total 1

**HB 317** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Morgan.

Total 1

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**HB 338** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, Musgrove, Newman, A. Olson, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Laszloffy, Lehman, Malcolm, McKenney, Mendenhall, Morgan, Noennig, Pattison, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.  
Total 37

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/1/2003  
Correctly printed: **HB 60, HB 151, HB 152, HB 198, HB 272, HB 392.**  
Correctly engrossed: **HB 131, HB 142, HB 158, HB 176, HB 303, HB 304, HB 410, HJR 12, HJR 14.**  
Correctly enrolled: **HB 21.** 1/31/2003  
Examined by the sponsor and found to be correct: **HB 21.** 1/31/2003  
Signed by the Speaker at 2:55 p.m., January 31, 2003: **HB 21.**  
Signed by the Chief Clerk of the House at 2:56 p.m., January 31, 2003: **HB 21.**  
Signed by the President at 3:25 p.m., January 31, 2003: **HB 21.**  
Delivered to the Governor for approval at 4:00 p.m., January 31, 2003: **HB 21.**

**AGRICULTURE** (Rice, Chairman): 1/30/2003  
**HB 325**, do pass. Report adopted.  
**HB 364**, do pass. Report adopted.  
**HB 379**, introduced bill, be amended as follows:

1. Title, page 1, line 7.  
**Following:** "87-4-412"  
**Insert:** ", "  
**Strike:** "AND"  
**Following:** "87-4-417"  
**Insert:** ", AND 87-4-428"

2. Page 2, line 30.  
**Following:** "~~transfer prohibited~~"  
**Insert:** " -- transferability"  
**Following:** "(+)"

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**Insert:** "(1)"

3. Page 3.

**Following:** line 4

**Insert:** "(2) An alternative livestock ranch license for a specific facility is transferable with the consent of the department. The department's consent must be given if:

(a) the transferee owns or leases the premises on which the operations are to be conducted;

(b) the transferee or the transferee's principal manager:

(i) has not been convicted of or has not forfeited bond of \$100 or more for more than one violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to application;

(ii) has not at any time pleaded guilty to or been convicted of a felony, unless civil rights have been restored pursuant to law. A person may not apply for a transfer at any time during which a deferred or suspended felony sentence is in effect.

(iii) is at least 18 years of age.

(c) the alternative livestock ranch and facilities are in compliance with requirements in place at the time the license was issued;

(d) the alternative livestock ranch is not under quarantine by the department;

(e) alternative livestock to be transferred are not prohibited under this part and department rules; and

(f) the transfer is not proposed as a means to evade a requirement imposed on the licensee."

4. Page 3.

**Following:** line 27

**Insert:** "Section 5. Section 87-4-428, MCA, is amended to read:

**"87-4-428. Right to administrative hearing.** (1) A licensee must be given notice and an opportunity for a hearing before the department may refuse to renew a license, revoke a license, ~~or~~ discipline a licensee, deny a license modification, or issue a license modification with stipulations.

(2) The notice and an opportunity for a hearing and any judicial appeal must be conducted as provided in Title 2, chapter 4, parts 6 and 7."

**Insert:** "NEW SECTION. **Section 6. Criteria for modification of license.** (1) A new alternative livestock ranch license may not be issued in this state.

(2) An application for an alternative livestock ranch license modification may be denied in its entirety or issued with stipulations if necessary to prevent public safety hazards or significant negative impacts to Montana's wildlife resources. Denial of an application or stipulations attached to a license modification must be based on one or more of the following potential impacts attributed to the physical location of the alternative livestock ranch:

(a) substantial loss or destruction of critical seasonal game animal habitat or habitat of federally designated threatened or endangered species under the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., including but not limited to critical breeding, birthing, rearing, and wintering areas;

(b) blockage or disruption of major traditional seasonal migration corridors or major travel routes;

(c) an unacceptable threat of introduction or transmission of serious diseases or parasites to native wildlife populations, as determined by the state veterinarian appointed pursuant to 81-1-301;

(d) an unacceptable threat of escape of alternative livestock and establishment of feral populations that would result in habitat damage or competition with or genetic hybridization of native wildlife populations.

(3) The denial of an application for license modification or the issuance of a license modification with stipulations must be based on substantive and credible evidence.

(4) An application for a license modification may not be for the purpose of charging a fee for the harvest of alternative livestock.

(5) If the department determines that it will propose to deny an application for a license modification or issue a license modification with stipulations, the applicant must be given an opportunity to make changes to the



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application within 30 days of receipt of the department's written determination in order to mitigate or correct any problems or deficiencies. The department shall reconsider the application with the proposed changes within 30 days of receipt of changes to the application before granting, proposing to deny, or proposing to issue a license modification with stipulations.

(6) (a) An applicant may request that the alternative livestock advisory council review a department proposal to deny an application for a license modification or to issue a license modification with stipulations by petitioning the alternative livestock advisory council for review within 10 days of the department's proposed decision. The alternative livestock advisory council shall issue a recommendation to the commission to either grant the license modification, propose to deny the license modification, or issue the license modification with stipulations.

(b) Upon receipt of the alternative livestock advisory council's recommendation pursuant to subsection (6)(a), the commission shall decide whether to grant the license modification, propose to deny the license modification, or issue the license modification with stipulations. The commission decision then becomes the department's proposed decision, subject to an opportunity for hearing pursuant to 87-4-428.

(7) The department may establish by rule additional criteria for license modifications."

**Renumber:** subsequent sections

5. Page 4, line 1.

**Strike:** "[Sections 1 and 2]"

**Insert:** "[Sections 1, 2, and 6]"

6. Page 4, line 3.

**Strike:** "1 and 2"

**Insert:** "1, 2, and 6"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/31/2003

**HB 186**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "LIEN"

2. Title, page 1, line 13.

**Following:** "MOTOR VEHICLE"

**Insert:** "DEALERS"

**Following:** "RECREATIONAL VEHICLE"

**Insert:** "DEALERS"

**Strike:** "AND"

**Following:** "DEALERS"

**Insert:** ", WHOLESALERS, AND AUTO AUCTIONS"

3. Title, page 1, line 22.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

4. Title, page 1, line 24.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

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5. Page 2, line 20.

**Strike:** "garage"

**Insert:** "general"

6. Page 2, line 22.

**Strike:** "garage"

**Insert:** "general"

7. Page 2, line 25.

**Strike:** "garage"

**Insert:** "general"

8. Page 2, line 29.

**Strike:** "garage"

**Insert:** "general"

9. Page 3, line 3.

**Strike:** "or lienholder"

10. Page 3, line 5.

**Strike:** "or lienholder"

11. Page 3, line 6.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

12. Page 3, line 12.

**Strike:** "or lienholder"

13. Page 3, lines 13 and 14.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

14. Page 3, line 16.

**Strike:** "or lienholder"

15. Page 3, line 17.

**Strike:** "deliver"

**Insert:** "forward"

**Following:** "executed"

**Strike:** "lien"

16. Page 3, line 18.

**Strike:** "1 business day"

**Insert:** "15 business days"

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17. Page 3, line 20.

**Strike:** "3"

**Insert:** "18"

18. Page 3, line 22.

**Strike:** "6"

**Insert:** "21"

19. Page 5, line 25.

**Strike:** "garage"

**Insert:** "general"

20. Page 9, line 20.

**Strike:** "or lienholder"

21. Page 13, line 20.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

22. Page 17, line 9.

**Strike:** "garage"

**Insert:** "general"

23. Page 17, line 13.

**Strike:** "garage"

**Insert:** "general"

24. Page 17, line 16 through line 17.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

25. Page 18, line 3.

**Strike:** "garage"

**Insert:** "general"

26. Page 21, line 1.

**Strike:** "garage"

**Insert:** "general"

27. Page 21, line 8.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

28. Page 21, line 27 through line 30.

**Strike:** "fails" on line 27 through "term" on line 30

**Insert:** "cannot, under penalty of law, certify the number of vehicle sales required under subsection (5)(c) shall pay a fee of \$25 in addition to the fees required in subsection (3)"

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And, as amended, do pass. Report adopted.

**JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT** (Barkus, Chairman): 2/1/2003  
**SB 258**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/31/2003  
**HB 211**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "AUTHORIZING TELEPHONE CONFERENCE HEARINGS;"

2. Page 3, line 19.

**Following:** "reviews"

**Insert:** "and administrative reviews"

3. Page 3, line 21.

**Strike:** "or"

**Insert:** "and may hold an administrative review via"

4. Page 4, line 25.

**Following:** "victim."

**Insert:** "A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The victim's statement may be kept confidential."

5. Page 6, line 6.

**Strike:** "and telephone conference"

**Following:** the second "hearings,"

**Insert:** "telephone conference administrative reviews,"

And, as amended, do pass. Report adopted.

**HB 247**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Strike:** "concerning"

**Insert:** "prohibiting or penalizing"

2. Page 3, line 1.

**Following:** "loitering"

**Insert:** "and prevent disorderly persons from loitering"

And, as amended, do pass. Report adopted.

**HB 293**, do pass. Report adopted.

**HB 308**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman): 1/31/2003  
**HB 185**, introduced bill, be amended as follows:

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1. Title, line 7.

**Strike:** ", THE USA PATRIOT ACT,"

2. Title, line 13 through line 15.

**Strike:** "REVISING" on line 13 through "LICENSE;" on line 15

3. Title, line 22 through line 23.

**Strike:** "IN" on line 22 through "AND" on line 23

4. Title, line 27.

**Strike:** "EFFECTIVE DATES AND"

5. Page 3, line 15.

**Following:** "61-9-402;"

**Insert:** "and"

6. Page 3, lines 16 and 17.

**Strike:** "and" on line 16 through ";" on line 17

7. Page 9, line 29.

**Following:** "rulemaking" on page 9

**Insert:** "-- reciprocity agreements"

**Following:** "."

**Insert:** "(1)"

8. Page 10, line 3.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 10, line 14.

**Following:** "1"

**Insert:** "and"

10. Page 10, line 16 through line 18.

**Strike:** "1" on line 16 through "endorsement" on line 18

**Insert:** "(2) The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license as provided in 61-1-134(2)."

11. Page 16, lines 8 and 9.

**Strike:** "or" on line 8 through "vehicle" on line 9

12. Page 20.

**Following:** line 20

**Insert:** "NEW SECTION. Section 22. Coordination instruction. If Senate Bill No. 13 and [this act] are both passed and approved, then the number 0.10 in [section 14(2)(b)(i)], amending 61-8-802, must be replaced by the number 0.08."

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**Renumber:** subsequent sections

13. Page 20, line 22 through line 24.

**Strike:** section 22 in its entirety

**Renumber:** subsequent section

14. Page 20, line 27.

**Strike:** "[the effective date of sections 4 through 6]"

**Insert:** "October 1, 2003"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/31/2003

**SB 16**, introduced by Mangan

**SB 95**, introduced by Stonington

**SB 142**, introduced by McNutt

**SB 145**, introduced by Bohlinger

**SB 173**, introduced by McNutt

**SB 257**, introduced by Cooney

**MESSAGES FROM THE GOVERNOR**

January 31, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 1** sponsored by Representative Lewis on January 31, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 496**, introduced by Becker, Harris, Newman, referred to Judiciary.

**HB 497**, introduced by Mendenhall, Grimes, Laszloffy, Sinrud, referred to Local Government.

**HB 498**, introduced by Wanzenried, Becker, Bixby, Bohlinger, Branae, Buzzas, Carney, Cobb, Cohenour, Cyr,

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Dowell, Ellingson, Erickson, Franklin, Gallik, Gillan, Jacobson, Jayne, Juneau, Keane, Laslovich, Lenhart, Lindeen, Newman, Parker, Raser, Smith, Squires, Toole, Wilson, referred to Federal Relations, Energy, and Telecommunications.

**HB 499**, introduced by Franklin, referred to State Administration.

**HB 500**, introduced by Dowell, Bohlinger, Glaser, Golie, Haines, Harris, Laslovich, Mangan, Younkin, referred to Judiciary.

**HB 501**, introduced by Noennig, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 13**, introduced by Mahlum (by request of the Department of Transportation), referred to Judiciary.

Majority Leader Brown moved that the House recess until 9:45 a.m. for caucuses. Motion carried.

House recessed at 9:25 a.m.

House reconvened at 9:45 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 14** - Representative Shockley moved **HB 14** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gillan, Golie, Haines, Harris, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, McKenney, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schumpff, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Noennig, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Windy Boy, Witt.

Total 45

Voted Absentee: Bitney, Everett, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 20** - Representative Golie moved **HB 20** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Andersen, Bookout-Reinicke, E. Clark, Devlin, Erickson, Fisher, Jayne, A. Olson, Ripley, Ross, Steinbeisser, Stoker.

Total 12

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** - Representative Hurwitz moved **HB 30** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: D. Brown, Fuchs, Wanzenried.

Total 3

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1



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**HB 32** - Representative Golie moved **HB 32** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Cyr, Erickson, Gallik, Gutsche, Harris, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Small-Eastman, Wanzenried, Wilson, Windy Boy.

Total 15

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Franklin.

Total 2

**HB 71** - Representative Waitschies moved **HB 71** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Forrester, Jayne, Laslovich, Lewis, Pattison, Ripley, Witt.

Total 8

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Jackson moved **HB 80** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R.

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Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Becker, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Kaufmann, Keane, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 23

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**HB 87** - Representative Jent moved **HB 87** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 114** - Representative Jent moved **HB 114** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Sales.  
Total 2

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Franklin.  
Total 2

**HB 115** - Representative Bookout-Reinicke moved **HB 115** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 93

Noes: Brueggeman, Fuchs, Kasten, Pattison, Mr. Speaker.  
Total 5

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lewis, Shockley.  
Total 2

**HB 135** - Representative Andersen moved **HB 135** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson,

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Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Brueggeman, Pattison, Sales, Sinrud, Small-Eastman.

Total 6

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 137** - Representative Lange moved **HB 137** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 143** - Representative Lambert moved **HB 143** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.

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Speaker.  
Total 97

Noes: Gallik.  
Total 1

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin, Ryan.  
Total 2

**HB 154** - Representative Lenhart moved **HB 154** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Lindeen excused at this time.

**HB 155** - Representative Jent moved **HB 155** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman,

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Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**HB 195** - Representative Younkin moved **HB 195** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Fisher, Fuchs, Jayne, Juneau, Lambert, Rice, Ryan, Witt.

Total 9

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Maedje, Sales.

Total 2

**HB 213** - Representative Gallik moved **HB 213** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 220** - Representative Laszloffy moved **HB 220** do pass.

Representative Laszloffy moved **HB 220**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Following:** "ENTITY"

**Insert:** "OR GOVERNMENTAL AGENCY"

2. Page 8, line 25.

**Strike:** "court"

**Insert:** "department of corrections"

3. Page 8, line 26.

**Following:** "shall"

**Insert:** ", pursuant to an agreement made under 46-18-241,"

4. Page 8, line 28.

**Following:** "victim."

**Insert:** "The department of revenue may charge the department of corrections a fee to recover its costs of intercepting a tax refund. The fee may not exceed the amount charged a state agency for debt collection services under Title 17, chapter 4."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Jayne, Small-Eastman.

Total 3

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Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Motion that **HB 220**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Jayne, Juneau, Small-Eastman.  
Total 4

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 223** - Representative Lawson moved **HB 223** do pass.

Representative Lawson moved **HB 223**, second reading copy, be amended as follows :

1. Title, page 1, line 7 through line 8.

**Strike:** "PROHIBITING" on line 7 through "GOVERNMENT;" on line 8

2. Page 4, line 28 through page 5, line 2.

**Strike:** "(5)" on page 4, line 28 through "GOVERNMENT." on page 5, line 2

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, McKenney, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 51



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Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Mr. Speaker.  
Total 45

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Representative Harris moved **HB 223**, second reading copy, be further amended as follows :

1. Page 4, line 11 through line 24.

**Strike:** subsections (1) through (3) in their entirety

**Insert:** "(1) State land may be sold to any person who is 18 years of age or older or any governmental or private entity including tribal governments as defined in 18-11-102."

**Renumber:** subsequent subsections

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.  
Total 72

Noes: Andersen, D. Brown, E. Clark, Devlin, Fuchs, Jackson, Kasten, Lake, Lange, Lewis, Malcolm, Pattison, Rice, Ripley, Rome, Sales, Sinrud, Waitschies, Windy Boy, Witt.  
Total 20

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: Balyeat, R. Brown, Shockley, Wagman.  
Total 4

Motion that **HB 223**, as amended, do pass.

Representative Branae excused at this time.

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Representative Kasten moved consideration of **HB 223** be passed for the day. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Callahan, E. Clark, Devlin, Fisher, Forrester, Fuchs, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 51

Noes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson.

Total 41

Excused: Bitney, Branae, Buzzas, Everett, Lindeen, Peterson.

Total 6

Absent or not voting: Brueggeman, Mr. Speaker.

Total 2

**HB 237** - Representative Brueggeman moved **HB 237** do pass.

Representative Balyeat moved **HB 237**, second reading copy, be amended as follows :

1. Title, line 4.

**Strike:** "REQUIRING" through "WITH"

**Insert:** "PROHIBITING A PERSON FROM USING"

2. Title, line 5.

**Strike:** "TO HAVE"

**Insert:** "ON A COMMERCIAL MOTOR VEHICLE UNLESS IT HAS"

3. Page 1, lines 10 and 11.

**Strike:** "COMMERCIAL" on line 10 through "with" on line 11

**Insert:** "person may not use"

4. Page 1, line 11.

**Strike:** "must be"

**Insert:** "while operating a commercial motor vehicle, as defined in 61-1-134, unless the vehicle is"

Amendment **not** adopted as follows:

Ayes: Balyeat, R. Brown, Dowell, Fuchs, Gallik, Golie, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Shockley, Sinrud, Smith, Wagman, Younkin.

Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, Brueggeman,

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Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 65

Voted Absentee: Peterson, Aye.

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen.  
Total 7

Absent or not voting: Mr. Speaker.  
Total 1

Representatives Forrester and Gillan excused at this time.

Motion that **HB 237** do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Younkin, Mr. Speaker.  
Total 69

Noes: Ballantyne, Balyeat, Bergren, R. Brown, Buzzas, Callahan, P. Clark, Dickenson, Forrester, Franklin, Fuchs, Gillan, Golie, Hawk, Jackson, Jayne, Kasten, Keane, Laslovich, Maedje, Pattison, Rice, Ryan, Sales, Shockley, Sinrud, Smith, Wagman, Wilson, Windy Boy, Witt.  
Total 31

Voted Absentee: Bitney, Branae, Everett, Lindeen, Peterson, Ayes; Buzzas, Forrester, Gillan, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 240** - Representative Shockley moved **HB 240** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud,

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Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Gallus.

Total 1

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 250** - Representative Morgan moved **HB 250** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**HB 251** - Representative Balyeat moved **HB 251** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, P. Clark, Cohenour, Cyr, Dickenson, Everett, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Keane, Laslovich, Lehman, Lewis, Lindeen, Malcolm, Mendenhall, Morgan, Newman, Pattison, Peterson, Rice, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Waitschies, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 51

Noes: Andersen, Bergren, R. Brown, Buzzas, Callahan, Carney, E. Clark, Devlin, Dowell, Erickson, Facey, Fisher,

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Fritz, Galvin-Halcro, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Maedje, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Witt.

Total 49

Voted Absentee: Bitney, Branae, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Weiss excused at this time.

**HB 259** - Representative Maedje moved **HB 259** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: P. Clark, Dickenson, Erickson, Fisher, Franklin, Gutsche, Haines, Jayne, Kaufmann, Lawson, Newman, Wanzenried.

Total 12

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 266** - Representative Jacobson moved **HB 266** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, B. Olson, Peterson, Raser, Roberts, Ryan, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 68

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Noes: Andersen, Balyeat, Barrett, Bergren, E. Clark, Devlin, Fisher, Fuchs, Haines, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lawson, Lehman, McKenney, Morgan, Noennig, A. Olson, Parker, Pattison, Rice, Ripley, Rome, Ross, Sales, Small-Eastman, Smith, Waitschies, Witt.  
Total 32

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 280** - Representative R. Brown moved consideration of **HB 280** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Raser moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 82

Noes: Cyr, Fuchs, Golie, Jayne, Ryan, Smith, Windy Boy.  
Total 7

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss.  
Total 9

Absent or not voting: Gallus, Witt.  
Total 2

**MOTIONS**

Representative R. Brown moved **HB 497** be taken from the Committee on Local Government and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 6**: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney,

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Mendenhall, Mood, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, February 3, 2003. Motion carried.

House adjourned at 1:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 1, 2003

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Ashley Miller and piano accompaniment by Representative Schrumpf.

Pledge of Allegiance to the Flag.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

The Speaker introduced the University of Great Falls Trinitas Choir which includes former Senator Chris Christiaens and directed by John Sidlitz who performed two songs for the House.

Roll Call. All members present, except Representatives Bitney, Buzzas, Everett, and Peterson, excused. Quorum present.

Mr. Speaker introduced the honorary page for the day:

Micah Crowley, Helena

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 51** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0



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**HB 76** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Erickson, Gutsche, Harris, Kaufmann, Sales, Small-Eastman, Smith.  
Total 8

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 121** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Fritz.  
Total 1

**HB 122** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange,

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Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Gallik, Keane.  
Total 2

**HB 181** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Hawk, Rome, Steinbeisser, Wagman.  
Total 4

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 296** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Morgan, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Roberts, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Kasten, Lange, Laszloffy, Lehman, Lewis, Matthews, McKenney, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Waitschies, Witt.

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Total 33

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: None.

Total 0

**HB 311** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, D. Brown, R. Brown, Golie, Hawk, Laszloffy, Sales, Sinrud.

Total 8

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Parker.

Total 1

**HB 317** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Morgan.

Total 1

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**HB 338** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, Musgrove, Newman, A. Olson, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Laszloffy, Lehman, Malcolm, McKenney, Mendenhall, Morgan, Noennig, Pattison, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.  
Total 37

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/1/2003  
Correctly printed: **HB 60, HB 151, HB 152, HB 198, HB 272, HB 392.**  
Correctly engrossed: **HB 131, HB 142, HB 158, HB 176, HB 303, HB 304, HB 410, HJR 12, HJR 14.**  
Correctly enrolled: **HB 21.** 1/31/2003  
Examined by the sponsor and found to be correct: **HB 21.** 1/31/2003  
Signed by the Speaker at 2:55 p.m., January 31, 2003: **HB 21.**  
Signed by the Chief Clerk of the House at 2:56 p.m., January 31, 2003: **HB 21.**  
Signed by the President at 3:25 p.m., January 31, 2003: **HB 21.**  
Delivered to the Governor for approval at 4:00 p.m., January 31, 2003: **HB 21.**

**AGRICULTURE** (Rice, Chairman): 1/30/2003  
**HB 325**, do pass. Report adopted.  
**HB 364**, do pass. Report adopted.  
**HB 379**, introduced bill, be amended as follows:

1. Title, page 1, line 7.  
**Following:** "87-4-412"  
**Insert:** ", "  
**Strike:** "AND"  
**Following:** "87-4-417"  
**Insert:** ", AND 87-4-428"

2. Page 2, line 30.  
**Following:** "~~transfer prohibited~~"  
**Insert:** " -- transferability"  
**Following:** "(+)"

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**Insert:** "(1)"

3. Page 3.

**Following:** line 4

**Insert:** "(2) An alternative livestock ranch license for a specific facility is transferable with the consent of the department. The department's consent must be given if:

(a) the transferee owns or leases the premises on which the operations are to be conducted;

(b) the transferee or the transferee's principal manager:

(i) has not been convicted of or has not forfeited bond of \$100 or more for more than one violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to application;

(ii) has not at any time pleaded guilty to or been convicted of a felony, unless civil rights have been restored pursuant to law. A person may not apply for a transfer at any time during which a deferred or suspended felony sentence is in effect.

(iii) is at least 18 years of age.

(c) the alternative livestock ranch and facilities are in compliance with requirements in place at the time the license was issued;

(d) the alternative livestock ranch is not under quarantine by the department;

(e) alternative livestock to be transferred are not prohibited under this part and department rules; and

(f) the transfer is not proposed as a means to evade a requirement imposed on the licensee."

4. Page 3.

**Following:** line 27

**Insert:** "Section 5. Section 87-4-428, MCA, is amended to read:

**"87-4-428. Right to administrative hearing.** (1) A licensee must be given notice and an opportunity for a hearing before the department may refuse to renew a license, revoke a license, ~~or~~ discipline a licensee, deny a license modification, or issue a license modification with stipulations.

(2) The notice and an opportunity for a hearing and any judicial appeal must be conducted as provided in Title 2, chapter 4, parts 6 and 7."

**Insert:** "NEW SECTION. **Section 6. Criteria for modification of license.** (1) A new alternative livestock ranch license may not be issued in this state.

(2) An application for an alternative livestock ranch license modification may be denied in its entirety or issued with stipulations if necessary to prevent public safety hazards or significant negative impacts to Montana's wildlife resources. Denial of an application or stipulations attached to a license modification must be based on one or more of the following potential impacts attributed to the physical location of the alternative livestock ranch:

(a) substantial loss or destruction of critical seasonal game animal habitat or habitat of federally designated threatened or endangered species under the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., including but not limited to critical breeding, birthing, rearing, and wintering areas;

(b) blockage or disruption of major traditional seasonal migration corridors or major travel routes;

(c) an unacceptable threat of introduction or transmission of serious diseases or parasites to native wildlife populations, as determined by the state veterinarian appointed pursuant to 81-1-301;

(d) an unacceptable threat of escape of alternative livestock and establishment of feral populations that would result in habitat damage or competition with or genetic hybridization of native wildlife populations.

(3) The denial of an application for license modification or the issuance of a license modification with stipulations must be based on substantive and credible evidence.

(4) An application for a license modification may not be for the purpose of charging a fee for the harvest of alternative livestock.

(5) If the department determines that it will propose to deny an application for a license modification or issue a license modification with stipulations, the applicant must be given an opportunity to make changes to the

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application within 30 days of receipt of the department's written determination in order to mitigate or correct any problems or deficiencies. The department shall reconsider the application with the proposed changes within 30 days of receipt of changes to the application before granting, proposing to deny, or proposing to issue a license modification with stipulations.

(6) (a) An applicant may request that the alternative livestock advisory council review a department proposal to deny an application for a license modification or to issue a license modification with stipulations by petitioning the alternative livestock advisory council for review within 10 days of the department's proposed decision. The alternative livestock advisory council shall issue a recommendation to the commission to either grant the license modification, propose to deny the license modification, or issue the license modification with stipulations.

(b) Upon receipt of the alternative livestock advisory council's recommendation pursuant to subsection (6)(a), the commission shall decide whether to grant the license modification, propose to deny the license modification, or issue the license modification with stipulations. The commission decision then becomes the department's proposed decision, subject to an opportunity for hearing pursuant to 87-4-428.

(7) The department may establish by rule additional criteria for license modifications."

**Renumber:** subsequent sections

5. Page 4, line 1.

**Strike:** "[Sections 1 and 2]"

**Insert:** "[Sections 1, 2, and 6]"

6. Page 4, line 3.

**Strike:** "1 and 2"

**Insert:** "1, 2, and 6"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/31/2003

**HB 186**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "LIEN"

2. Title, page 1, line 13.

**Following:** "MOTOR VEHICLE"

**Insert:** "DEALERS"

**Following:** "RECREATIONAL VEHICLE"

**Insert:** "DEALERS"

**Strike:** "AND"

**Following:** "DEALERS"

**Insert:** ", WHOLESALERS, AND AUTO AUCTIONS"

3. Title, page 1, line 22.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

4. Title, page 1, line 24.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

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5. Page 2, line 20.

**Strike:** "garage"

**Insert:** "general"

6. Page 2, line 22.

**Strike:** "garage"

**Insert:** "general"

7. Page 2, line 25.

**Strike:** "garage"

**Insert:** "general"

8. Page 2, line 29.

**Strike:** "garage"

**Insert:** "general"

9. Page 3, line 3.

**Strike:** "or lienholder"

10. Page 3, line 5.

**Strike:** "or lienholder"

11. Page 3, line 6.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

12. Page 3, line 12.

**Strike:** "or lienholder"

13. Page 3, lines 13 and 14.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

14. Page 3, line 16.

**Strike:** "or lienholder"

15. Page 3, line 17.

**Strike:** "deliver"

**Insert:** "forward"

**Following:** "executed"

**Strike:** "lien"

16. Page 3, line 18.

**Strike:** "1 business day"

**Insert:** "15 business days"

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17. Page 3, line 20.

**Strike:** "3"

**Insert:** "18"

18. Page 3, line 22.

**Strike:** "6"

**Insert:** "21"

19. Page 5, line 25.

**Strike:** "garage"

**Insert:** "general"

20. Page 9, line 20.

**Strike:** "or lienholder"

21. Page 13, line 20.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

22. Page 17, line 9.

**Strike:** "garage"

**Insert:** "general"

23. Page 17, line 13.

**Strike:** "garage"

**Insert:** "general"

24. Page 17, line 16 through line 17.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

25. Page 18, line 3.

**Strike:** "garage"

**Insert:** "general"

26. Page 21, line 1.

**Strike:** "garage"

**Insert:** "general"

27. Page 21, line 8.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

28. Page 21, line 27 through line 30.

**Strike:** "fails" on line 27 through "term" on line 30

**Insert:** "cannot, under penalty of law, certify the number of vehicle sales required under subsection (5)(c) shall pay a fee of \$25 in addition to the fees required in subsection (3)"



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And, as amended, do pass. Report adopted.

**JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT** (Barkus, Chairman): 2/1/2003  
**SB 258**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/31/2003  
**HB 211**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "AUTHORIZING TELEPHONE CONFERENCE HEARINGS;"

2. Page 3, line 19.

**Following:** "reviews"

**Insert:** "and administrative reviews"

3. Page 3, line 21.

**Strike:** "or"

**Insert:** "and may hold an administrative review via"

4. Page 4, line 25.

**Following:** "victim."

**Insert:** "A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The victim's statement may be kept confidential."

5. Page 6, line 6.

**Strike:** "and telephone conference"

**Following:** the second "hearings,"

**Insert:** "telephone conference administrative reviews,"

And, as amended, do pass. Report adopted.

**HB 247**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Strike:** "concerning"

**Insert:** "prohibiting or penalizing"

2. Page 3, line 1.

**Following:** "loitering"

**Insert:** "and prevent disorderly persons from loitering"

And, as amended, do pass. Report adopted.

**HB 293**, do pass. Report adopted.

**HB 308**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman): 1/31/2003  
**HB 185**, introduced bill, be amended as follows:

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1. Title, line 7.

**Strike:** ", THE USA PATRIOT ACT,"

2. Title, line 13 through line 15.

**Strike:** "REVISING" on line 13 through "LICENSE;" on line 15

3. Title, line 22 through line 23.

**Strike:** "IN" on line 22 through "AND" on line 23

4. Title, line 27.

**Strike:** "EFFECTIVE DATES AND"

5. Page 3, line 15.

**Following:** "61-9-402;"

**Insert:** "and"

6. Page 3, lines 16 and 17.

**Strike:** "and" on line 16 through ";" on line 17

7. Page 9, line 29.

**Following:** "rulemaking" on page 9

**Insert:** "-- reciprocity agreements"

**Following:** "."

**Insert:** "(1)"

8. Page 10, line 3.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 10, line 14.

**Following:** "1"

**Insert:** "and"

10. Page 10, line 16 through line 18.

**Strike:** "1" on line 16 through "endorsement" on line 18

**Insert:** "(2) The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license as provided in 61-1-134(2)."

11. Page 16, lines 8 and 9.

**Strike:** "or" on line 8 through "vehicle" on line 9

12. Page 20.

**Following:** line 20

**Insert:** "NEW SECTION. Section 22. Coordination instruction. If Senate Bill No. 13 and [this act] are both passed and approved, then the number 0.10 in [section 14(2)(b)(i)], amending 61-8-802, must be replaced by the number 0.08."

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**Renumber:** subsequent sections

13. Page 20, line 22 through line 24.

**Strike:** section 22 in its entirety

**Renumber:** subsequent section

14. Page 20, line 27.

**Strike:** "[the effective date of sections 4 through 6]"

**Insert:** "October 1, 2003"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/31/2003

**SB 16**, introduced by Mangan

**SB 95**, introduced by Stonington

**SB 142**, introduced by McNutt

**SB 145**, introduced by Bohlinger

**SB 173**, introduced by McNutt

**SB 257**, introduced by Cooney

**MESSAGES FROM THE GOVERNOR**

January 31, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 1** sponsored by Representative Lewis on January 31, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 496**, introduced by Becker, Harris, Newman, referred to Judiciary.

**HB 497**, introduced by Mendenhall, Grimes, Laszloffy, Sinrud, referred to Local Government.

**HB 498**, introduced by Wanzenried, Becker, Bixby, Bohlinger, Branae, Buzzas, Carney, Cobb, Cohenour, Cyr,

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Dowell, Ellingson, Erickson, Franklin, Gallik, Gillan, Jacobson, Jayne, Juneau, Keane, Laslovich, Lenhart, Lindeen, Newman, Parker, Raser, Smith, Squires, Toole, Wilson, referred to Federal Relations, Energy, and Telecommunications.

**HB 499**, introduced by Franklin, referred to State Administration.

**HB 500**, introduced by Dowell, Bohlinger, Glaser, Golie, Haines, Harris, Laslovich, Mangan, Younkin, referred to Judiciary.

**HB 501**, introduced by Noennig, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 13**, introduced by Mahlum (by request of the Department of Transportation), referred to Judiciary.

Majority Leader Brown moved that the House recess until 9:45 a.m. for caucuses. Motion carried.

House recessed at 9:25 a.m.

House reconvened at 9:45 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 14** - Representative Shockley moved **HB 14** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gillan, Golie, Haines, Harris, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, McKenney, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schumpff, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Noennig, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Windy Boy, Witt.

Total 45

Voted Absentee: Bitney, Everett, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 20** - Representative Golie moved **HB 20** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Andersen, Bookout-Reinicke, E. Clark, Devlin, Erickson, Fisher, Jayne, A. Olson, Ripley, Ross, Steinbeisser, Stoker.

Total 12

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** - Representative Hurwitz moved **HB 30** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.

Speaker.

Total 96

Noes: D. Brown, Fuchs, Wanzenried.

Total 3

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

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**HB 32** - Representative Golie moved **HB 32** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Cyr, Erickson, Gallik, Gutsche, Harris, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Small-Eastman, Wanzenried, Wilson, Windy Boy.

Total 15

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Franklin.

Total 2

**HB 71** - Representative Waitschies moved **HB 71** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Forrester, Jayne, Laslovich, Lewis, Pattison, Ripley, Witt.

Total 8

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Jackson moved **HB 80** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R.

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Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Becker, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Kaufmann, Keane, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 23

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**HB 87** - Representative Jent moved **HB 87** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 114** - Representative Jent moved **HB 114** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Sales.  
Total 2

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Franklin.  
Total 2

**HB 115** - Representative Bookout-Reinicke moved **HB 115** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 93

Noes: Brueggeman, Fuchs, Kasten, Pattison, Mr. Speaker.  
Total 5

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lewis, Shockley.  
Total 2

**HB 135** - Representative Andersen moved **HB 135** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson,



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Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Brueggeman, Pattison, Sales, Sinrud, Small-Eastman.

Total 6

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 137** - Representative Lange moved **HB 137** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 143** - Representative Lambert moved **HB 143** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.

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Speaker.  
Total 97

Noes: Gallik.  
Total 1

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin, Ryan.  
Total 2

**HB 154** - Representative Lenhart moved **HB 154** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Lindeen excused at this time.

**HB 155** - Representative Jent moved **HB 155** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman,

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Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**HB 195** - Representative Younkin moved **HB 195** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Fisher, Fuchs, Jayne, Juneau, Lambert, Rice, Ryan, Witt.

Total 9

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Maedje, Sales.

Total 2

**HB 213** - Representative Gallik moved **HB 213** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 220** - Representative Laszloffy moved **HB 220** do pass.

Representative Laszloffy moved **HB 220**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Following:** "ENTITY"

**Insert:** "OR GOVERNMENTAL AGENCY"

2. Page 8, line 25.

**Strike:** "court"

**Insert:** "department of corrections"

3. Page 8, line 26.

**Following:** "shall"

**Insert:** ", pursuant to an agreement made under 46-18-241,"

4. Page 8, line 28.

**Following:** "victim."

**Insert:** "The department of revenue may charge the department of corrections a fee to recover its costs of intercepting a tax refund. The fee may not exceed the amount charged a state agency for debt collection services under Title 17, chapter 4."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Jayne, Small-Eastman.

Total 3

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Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Motion that **HB 220**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Jayne, Juneau, Small-Eastman.  
Total 4

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 223** - Representative Lawson moved **HB 223** do pass.

Representative Lawson moved **HB 223**, second reading copy, be amended as follows :

1. Title, page 1, line 7 through line 8.

**Strike:** "PROHIBITING" on line 7 through "GOVERNMENT;" on line 8

2. Page 4, line 28 through page 5, line 2.

**Strike:** "(5)" on page 4, line 28 through "GOVERNMENT." on page 5, line 2

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, McKenney, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 51

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Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Mr. Speaker.  
Total 45

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Representative Harris moved **HB 223**, second reading copy, be further amended as follows :

1. Page 4, line 11 through line 24.

**Strike:** subsections (1) through (3) in their entirety

**Insert:** "(1) State land may be sold to any person who is 18 years of age or older or any governmental or private entity including tribal governments as defined in 18-11-102."

**Renumber:** subsequent subsections

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.  
Total 72

Noes: Andersen, D. Brown, E. Clark, Devlin, Fuchs, Jackson, Kasten, Lake, Lange, Lewis, Malcolm, Pattison, Rice, Ripley, Rome, Sales, Sinrud, Waitschies, Windy Boy, Witt.  
Total 20

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: Balyeat, R. Brown, Shockley, Wagman.  
Total 4

Motion that **HB 223**, as amended, do pass.

Representative Branae excused at this time.

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Representative Kasten moved consideration of **HB 223** be passed for the day. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Callahan, E. Clark, Devlin, Fisher, Forrester, Fuchs, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.  
Total 51

Noes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson.  
Total 41

Excused: Bitney, Branae, Buzzas, Everett, Lindeen, Peterson.  
Total 6

Absent or not voting: Brueggeman, Mr. Speaker.  
Total 2

**HB 237** - Representative Brueggeman moved **HB 237** do pass.

Representative Balyeat moved **HB 237**, second reading copy, be amended as follows :

1. Title, line 4.

**Strike:** "REQUIRING" through "WITH"

**Insert:** "PROHIBITING A PERSON FROM USING"

2. Title, line 5.

**Strike:** "TO HAVE"

**Insert:** "ON A COMMERCIAL MOTOR VEHICLE UNLESS IT HAS"

3. Page 1, lines 10 and 11.

**Strike:** "COMMERCIAL" on line 10 through "with" on line 11

**Insert:** "person may not use"

4. Page 1, line 11.

**Strike:** "must be"

**Insert:** "while operating a commercial motor vehicle, as defined in 61-1-134, unless the vehicle is"

Amendment **not** adopted as follows:

Ayes: Balyeat, R. Brown, Dowell, Fuchs, Gallik, Golie, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Shockley, Sinrud, Smith, Wagman, Younkin.  
Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, Brueggeman,

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Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 65

Voted Absentee: Peterson, Aye.

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen.  
Total 7

Absent or not voting: Mr. Speaker.  
Total 1

Representatives Forrester and Gillan excused at this time.

Motion that **HB 237** do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Younkin, Mr. Speaker.  
Total 69

Noes: Ballantyne, Balyeat, Bergren, R. Brown, Buzzas, Callahan, P. Clark, Dickenson, Forrester, Franklin, Fuchs, Gillan, Golie, Hawk, Jackson, Jayne, Kasten, Keane, Laslovich, Maedje, Pattison, Rice, Ryan, Sales, Shockley, Sinrud, Smith, Wagman, Wilson, Windy Boy, Witt.  
Total 31

Voted Absentee: Bitney, Branae, Everett, Lindeen, Peterson, Ayes; Buzzas, Forrester, Gillan, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 240** - Representative Shockley moved **HB 240** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud,



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Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Gallus.

Total 1

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 250** - Representative Morgan moved **HB 250** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**HB 251** - Representative Balyeat moved **HB 251** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, P. Clark, Cohenour, Cyr, Dickenson, Everett, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Keane, Laslovich, Lehman, Lewis, Lindeen, Malcolm, Mendenhall, Morgan, Newman, Pattison, Peterson, Rice, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Waitschies, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 51

Noes: Andersen, Bergren, R. Brown, Buzzas, Callahan, Carney, E. Clark, Devlin, Dowell, Erickson, Facey, Fisher,

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Fritz, Galvin-Halcro, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Maedje, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Witt.

Total 49

Voted Absentee: Bitney, Branae, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Weiss excused at this time.

**HB 259** - Representative Maedje moved **HB 259** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: P. Clark, Dickenson, Erickson, Fisher, Franklin, Gutsche, Haines, Jayne, Kaufmann, Lawson, Newman, Wanzenried.

Total 12

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 266** - Representative Jacobson moved **HB 266** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, B. Olson, Peterson, Raser, Roberts, Ryan, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 68

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Noes: Andersen, Balyeat, Barrett, Bergren, E. Clark, Devlin, Fisher, Fuchs, Haines, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lawson, Lehman, McKenney, Morgan, Noennig, A. Olson, Parker, Pattison, Rice, Ripley, Rome, Ross, Sales, Small-Eastman, Smith, Waitschies, Witt.  
Total 32

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 280** - Representative R. Brown moved consideration of **HB 280** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Raser moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 82

Noes: Cyr, Fuchs, Golie, Jayne, Ryan, Smith, Windy Boy.  
Total 7

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss.  
Total 9

Absent or not voting: Gallus, Witt.  
Total 2

**MOTIONS**

Representative R. Brown moved **HB 497** be taken from the Committee on Local Government and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 6**: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney,

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Mendenhall, Mood, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, February 3, 2003. Motion carried.

House adjourned at 1:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 4, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

**COMMUNICATIONS AND PETITIONS**

*A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA*

*WHEREAS, the Carroll College Fighting Saints football team are the 2002 National Champions, beating the Georgetown, Kentucky Tigers by a score of 28-7 in the national championship game; and*

*WHEREAS, the Saints amassed a season record of 12-2 including wins over Dickenson State, Southern Oregon, and Sioux Falls; and*

*WHEREAS, the team included 3 NAIA national All-American Scholar Athletes, 4 recipients of NAIA All-American honors and a national Offensive Player of the Week; and*

*WHEREAS, Carroll College was recognized in 2002 by the NAIA as a Champion of Character institution emphasizing the five core values of respect, integrity, responsibility, leadership and sportsmanship; and*

*WHEREAS, 22 players received Academic All-Conference honors; and*

*WHEREAS, Coach Mike Van Diest was recognized by Don Hansen's Weekly Football Gazette as National Coach of the Year.*

*NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to the Carroll College Fighting Saints for their hard work and commitment to their sport and their school.*

*The proclamation was signed by Senate President Bob Keenan and House Speaker Doug Mood.*

Invocation by Representative Carney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Franklin, Fuchs, Hedges, and Keane, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/4/2003

Correctly printed: **HB 180, HB 252, HB 253, HB 270, HB 326, HB 414, HB 445.**

Correctly engrossed: **HB 150, HB 205, HB 353.**

Correctly enrolled: **HB 188, HB 309.**

Examined by the sponsor and found to be correct: **HB 188, HB 309.**

**JUDICIARY** (Shockley, Chairman):

2/3/2003

**HB 284**, do pass. Report adopted.

**HB 331**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

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**Following:** "DUE;"

**Insert:** "REVISING THE PENALTY FOR THE OFFENSE;"

2. Page 1, line 16.

**Following:** "amount"

**Insert:** "in excess of \$250 that is"

3. Page 1, line 29.

**Following:** "amount"

**Insert:** "exceeding \$250 but"

4. Page 2, line 3.

**Strike:** "state prison"

**Insert:** "county detention center"

**Strike:** "10 years"

**Insert:** "12 months"

And, as amended, do pass. Report adopted.

**HB 350**, introduced bill, be amended as follows:

1. Page 1, line 27 through line 28.

**Strike:** subsection (h) in its entirety

**Insert:** "(h) possession of dangerous drugs;

(i) possession of drug paraphernalia;

(j) possession of precursors to dangerous drugs; or"

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/3/2003

**HB 178**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "EMPLOYER"

**Strike:** ", UP TO JULY 1, 2005,"

2. Title, page 1, lines 5 and 6.

**Following:** "WHO" on line 5

**Strike:** remainder of line 5 through "2002," on line 6

**Insert:** "HAS BEEN RECEIVING A RETIREMENT ALLOWANCE FOR AT LEAST 12 MONTHS TO BE REEMPLOYED"

3. Title, page 1, lines 8 and 9.

**Following:** "SYSTEM;" on line 8

**Strike:** remainder of line 8 through "TEACHING;" on line 9

4. Title, page 1, line 11.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "19-20-804"

**Strike:** "AND 19-20-1001"

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**Following:** "AN"

**Strike:** "IMMEDIATE"

5. Title, page 1, line 12.

**Following:** first "DATE"

**Strike:** "AND"

**Insert:** ", "

**Following:** second "DATE"

**Insert:** ", AND A TERMINATION DATE"

6. Page 1, lines 17 and 18.

**Following:** "(1)" on line 17

**Strike:** remainder of line 17 through "2005" on line 18

**Insert:** "Subject to the provisions of this section"

7. Page 1, line 19.

**Following:** "who"

**Strike:** "retired on or before August 31, 2002,"

**Insert:** "has been receiving a retirement allowance, except a disability retirement allowance pursuant to part 9 of this chapter, for at least 12 months"

8. Page 1, line 22.

**Following:** "member"

**Strike:** remainder of line 22 through "instruction"

**Insert:** "holds a valid certificate under the provisions of 20-4-106"

9. Page 1, line 24.

**Following:** "position"

**Strike:** "with"

**Insert:** "because the employer has received no applications for the open position or has not received an acceptance to an offer to fill the position from"

10. Page 2, line 1.

**Strike:** "2005"

**Insert:** "2007"

11. Page 2, line 2.

**Following:** line 1

**Insert:** "(2) A retiree reemployed pursuant to this section must be considered an active member for the purposes of calculating retirement system contributions required under 19-20-604 and 19-20-605.

(3) A retiree reemployed pursuant to this section is exempt from the earnings and employment limits provided in 19-20-804(2) through (5).

(4) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39, chapter 31, the retiree is subject to all terms and conditions of the agreement and is entitled to all benefits and protections provided by the agreement.

(5) The board may adopt rules to implement this section."

**Renumber:** subsequent subsection

12. Page 2, line 2.

**Following:** "means a" on line 2

**Strike:** "K-12"

**Insert:** "public"

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**Following:** "district," on line 2

**Insert:** "as defined in 20-6-101 and 20-6-701,"

**Strike:** "the Pine Hills"

13. Page 2, line 3.

**Strike:** "facility" through "facility"

**Insert:** "facilities, special education cooperatives"

14. Page 2, line 5 through line 16.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

15. Page 2, line 19 through line 20.

**Following:** "~~Upon~~"

**Strike:** remainder of line 19 through "upon" on line 20

**Insert:** "Except as provided in [section 1], upon"

16. Page 2, line 22.

**Strike:** "."

**Insert:** "."

17. Page 2, line 23.

**Following:** "~~(2)~~"

**Strike:** "(b)"

**Insert:** "(2)"

**Following:** "Except"

**Strike:** "except"

**Insert:** "Except"

**Strike:** "[section 1] or in"

**Following:** "~~(4)~~"

**Strike:** "(1)(d) of this section"

**Insert:** "(4)"

18. Page 2, line 26.

**Strike:** "(i)"

**Insert:** "(a)"

19. Page 2, line 27.

**Strike:** "(ii)"

**Insert:** "(b)"

20. Page 2, line 28.

**Following:** "board:"

**Strike:** "."

**Insert:** "."

21. Page 2, line 29.

**Strike:** "(c)"

**Insert:** "(3)"

22. Page 2, line 30.



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**Strike:** "(1)(b)(i)"

**Insert:** "(2)(a)"

22.5 Page 3, line 2, line 6.

**Strike:** ".,"

**Insert:** "."

23. Page 3, line 3.

**Following:** "~~(a)~~"

**Strike:** "(d)(i)"

**Insert:** "(4)(a)"

**Following:** "Except"

**Strike:** "except"

**Insert:** "Except"

**Strike:** "(1)(e)"

**Insert:** "(5)"

24. Page 3, line 5.

**Strike:** "(1)(b)"

**Insert:** "(2)"

25. Page 3, line 7.

**Strike:** "(ii)"

**Insert:** "(b)"

**Following:** "~~The~~"

**Strike:** "the"

**Insert:** "The"

26. Page 3, line 8.

**Strike:** "(1)(b)"

**Insert:** "(2)"

27. Page 3, lines 13 and 14.

**Strike:** "(iii)"

**Insert:** "(c)"

**Following:** "~~Upon~~" on line 13

**Strike:** "upon"

**Insert:** "Upon"

**Following:** "~~(4)(a)~~"

**Strike:** "(1)(d)(i)"

**Insert:** "(4)(a)"

28. Page 3, line 17.

**Strike:** "(e)"

**Insert:** "(5)"

**Strike:** "if"

**Insert:** "If"

29. Page 3, line 23 through page 5, line 24.

**Strike:** line 23 through "beneficiaries." on page 5, line 24

**Renumber:** subsequent sections

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30. Page 5, line 26.

**Strike:** "Sections"

**Insert:** "Section"

**Strike:** "and 2"

**Following:** "]"

**Strike:** "are"

**Insert:** "is"

31. Page 5, line 28.

**Strike:** "sections"

**Insert:** "section"

**Strike:** "and 2"

32. Page 6, line 3 through line 4.

**Following:** "on"

**Strike:** remainder of line 3 through "approval" on line 4

**Insert:** "July 1, 2003,"

33. Page 6, line 7.

**Following:** line 6

**Insert:** "NEW SECTION. **Section 6. Termination.** [This act] terminates July 1, 2006."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/3/2003

**SB 28**, introduced by Mangan

**SB 79**, introduced by Sprague

**SB 151**, introduced by Mahlum

**SB 197**, introduced by Perry

**SB 211**, introduced by Hansen

**SB 229**, introduced by F. Thomas

**SB 230**, introduced by Cromley

**House bills** concurred in and returned to the House:

2/3/2003

**HB 31**, introduced by Waitschies

**HB 58**, introduced by Erickson

**HB 62**, introduced by Lehman

**HB 70**, introduced by Parker

**HB 83**, introduced by Peterson

**HB 153**, introduced by Ballantyne

**HB 309**, introduced by R. Brown

**MESSAGES FROM THE GOVERNOR**

February 3, 2003

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The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 21** sponsored by Representative Smith on February 3, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 506**, introduced by Erickson, Bixby, Cyr, Toole, referred to Judiciary.  
**HB 507**, introduced by Brueggeman, referred to Business and Labor.  
**HB 508**, introduced by Lenhart, referred to Taxation.  
**HB 509**, introduced by A. Olson, Dowell, Forrester, Gebhardt, Gillan, Golie, Laslovich, Mahlum, Mangan, Matthews, McCarthy, McNutt, Shea, Witt, referred to Federal Relations, Energy, and Telecommunications.  
**HB 510**, introduced by P. Clark, referred to Judiciary.  
**HB 511**, introduced by Everett, Barkus, Brueggeman, DePratu, Keenan, Lange, Lewis, Sales, referred to Natural Resources.  
**HB 512**, introduced by Sinrud, referred to Local Government.  
**HB 513**, introduced by Barrett, Maedje, A. Olson, referred to State Administration.  
**HB 514**, introduced by Morgan, referred to Transportation.  
**HB 515**, introduced by Morgan, referred to State Administration.  
**HB 516**, introduced by Devlin, Barrett, Fuchs, Mood, A. Olson, referred to Fish, Wildlife and Parks.  
**HB 517**, introduced by Wilson, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 16**, introduced by Mendenhall, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 220** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 93

Noes: Bixby, Jayne.

Total 2

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**HB 280** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**HB 287** passed as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 70

Noes: Andersen, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Hawk, Jackson, Kasten, Lambert, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Roberts, Rome, Sinrud, Steinbeisser, Stoker, Waitschies, Witt.

Total 25

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

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**HB 299** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Gibson, Gillan, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Bixby, Callahan, P. Clark, Cohenour, Cyr, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Juneau, Kaufmann, Ryan, Small-Eastman, Smith, Wanzenried, Weiss.

Total 20

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**HB 319** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Jackson, Malcolm.

Total 3

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**SB 258** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell,

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Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 43

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 246** - Representative Harris moved **HB 246** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Fuchs, Haines, Hedges.

Total 3

Voted Absentee: Buzzas, Franklin, Keane, Ayes; Fuchs, Hedges, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 321** - Representative Younkin moved **HB 321** do pass.

Representative Galvin-Halcro moved **HB 321**, second reading copy, be amended as follows :

1. Page 4, line 14.

**Following:** "PODIATRIST"

**Strike:** "IF"

**Insert:** ". However, the board shall adopt a rule requiring"

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2. Page 4, line 15.

**Strike:** "IS REQUIRED"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: None.

Total 0

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: Gillan.

Total 1

Motion that **HB 321**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Becker, Franklin.

Total 2

Voted Absentee: Buzzas, Fuchs, Hedges, Keane, Ayes; Franklin, No.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 347** - Representative Carney moved **HB 347** do pass.

Mr. Speaker moved consideration of **HB 347** be passed for the day. Motion carried.

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**HR 3** - Representative Barrett moved **HR 3** be adopted.

Representative Juneau moved **HR 3**, second reading copy, be amended as follows :

1. Page 2, line 3.

**Strike:** ", blatantly unethical,"

2. Page 2, line 13.

**Strike:** "mean-spirited,"

3. Page 2, line 23.

**Following:** line 22

**Insert:** "BE IT FURTHER RESOLVED, that the House of Representatives accepts the findings of the Minority Report of the Joint Select Committee on Districting and Apportionment.

BE IT FURTHER RESOLVED, that the House of Representatives urges the swift adoption of the plan submitted by the 2000 Districting and Apportionment Commission."

Amendment **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

Motion that **HR 3** be adopted carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47



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Voted Absentee: Fuchs, Hedges, Ayes; Buzzas, Franklin, Keane, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 99** - Representative Golie moved **HB 99** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 64

Noes: Andersen, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Shockley, Smith, Steinbeisser, Stoker, Waitschies, Witt.

Total 35

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 340** - Representative Andersen moved **HB 340** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 99

Noes: Younkin.

Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 354** - Representative Newman moved **HB 354** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Gillan, Jayne.  
Total 2

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**HB 366** - Representative P. Clark moved **HB 366** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 98

Noes: Roberts.  
Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 389** - Representative Gibson moved **HB 389** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Mendenhall.  
Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 39

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.  
Total 5

Absent or not voting: Everett.  
Total 1

**MOTIONS**

Representative R. Brown moved **HB 347** be taken from second reading this day and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 511** be taken from the Committee on Natural Resources and be rereferred to the Committee on Local Government. There being no objection, so ordered.

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Representative Brueggeman moved to reconsider action taken on **HB 251** and that it be placed back on third reading on Legislative Day 27. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Bitney, R. Brown, Brueggeman, P. Clark, Cyr, Everett, Golie, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Newman, A. Olson, Peterson, Rice, Roberts, Ryan, Sales, Schruppf, Sinrud, Wagman, Wilson, Younkin, Mr. Speaker.  
Total 35

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lehman, Lindeen, Matthews, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Ripley, Rome, Ross, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss.  
Total 55

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.  
Total 5

Absent or not voting: Gillan, Pattison, Shockley, Windy Boy, Witt.  
Total 5

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:15 p.m., Wednesday, February 5, 2003. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 5, 2003

House Chambers  
State Capitol

House convened at 1:15 p.m. Mr. Speaker in the Chair.

Invocation sung by Page Magen Stanley and piano accompaniment by Representative Schrumpf.

Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Fuchs, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/4/2003

Correctly printed: **HB 284**.

Correctly engrossed: **HB 178, HB 331, HB 350**.

Correctly enrolled: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153, HR 3**.

Examined by the sponsor and found to be correct: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153, HR 3**.

Signed by the Speaker at 11:04 a.m., February 4, 2003: **HB 188, HB 309**.

Signed by the Speaker at 3:50 p.m., February 4, 2003: **HR 3**.

Delivered to the Governor for approval at 1:40 p.m., February 4, 2003: **HB 188, HB 309**.

Delivered to the Secretary of State at 4:11 p.m., February 4, 2003: **HR 3**.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

2/5/2003

**HB 55**, do pass. Report adopted.

**HB 101**, introduced bill, be amended as follows:

1. Title, line 11 through line 12.

**Strike:** line 11 through "PERMITHOLDER;" on line 12

2. Title, line 21.

**Strike:** "87-2-109,"

3. Page 5, line 22 through line 30.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

4. Page 7, line 5.

**Strike:** "SECTION 7"

**Insert:** "[Section 6]"

5. Page 7, line 7.

**Strike:** "SECTION 7"

**Insert:** "[section 6]"

And, as amended, do pass. Report adopted.

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**JUDICIARY** (Shockley, Chairman):

2/4/2003

**HB 17**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** the first "ABUSE" on line 5 through "MAKING" on line 6

2. Page 3, line 3.

**Strike:** "CRIME AND"

**Insert:** "misdemeanor and upon a first conviction may be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. Upon a second or subsequent conviction, the individual"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/4/2003

**HB 292**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "CITIZENS APPOINTED BY A DISTRICT COURT JUDGE"

**Insert:** "A CERTIFIED GENERAL REAL ESTATE APPRAISER"

2. Page 1, line 18.

**Strike:** "\$2,500"

**Insert:** "\$10,000"

3. Page 1, line 19 through line 20.

**Following:** "by"

**Strike:** "three disinterested citizens of the county appointed by ~~the~~ a district judge"

**Insert:** "a certified general real estate appraiser and a review of the appraisal is conducted by a disinterested certified general real estate appraiser selected by the county commission, county attorney, and landowner"

4. Page 1, line 20.

**Strike:** "The"

**Insert:** "A"

5. Page 1, line 21.

**Strike:** "determined by the citizen panel"

And, as amended, do pass. Report adopted.

**HB 351**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

2/4/2003

**HB 226**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "PURPOSES;"

**Insert:** "MAKING A VIOLATION OF THE DRIVING RESTRICTIONS A SECONDARY OFFENSE;"

2. Page 2.

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**Following:** line 9

**Insert:** "NEW SECTION. Section 2. Secondary offense. A peace officer may not stop a motor vehicle to determine if the driver is in violation of [section 1] except upon reasonable cause to believe that the driver has violated another traffic regulation or that the vehicle is unsafe or not equipped as required by law."

**Renumber:** subsequent sections

3. Page 3, line 9.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 2] are"

4. Page 3, line 10.

**Strike:** "[section 1]"

**Insert:** "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

**HB 369**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** the second "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

**Following:** line 25

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 385**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/4/2003

**SB 101**, introduced by Mahlum

**SB 222**, introduced by Bohlinger

**House bills** concurred in and returned to the House:

2/4/2003

**HB 16**, introduced by Haines

**HB 25**, introduced by Galvin-Halcro

**HB 34**, introduced by Jacobson

**HB 38**, introduced by A. Olson

**HB 39**, introduced by Gallik

**HB 46**, introduced by Haines

**HB 48**, introduced by Newman

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**HB 68**, introduced by Kaufmann  
**HB 69**, introduced by Smith  
**HB 78**, introduced by Branae  
**HB 84**, introduced by Newman  
**HB 106**, introduced by Erickson  
**HB 132**, introduced by Musgrove  
**HB 162**, introduced by Callahan

**MESSAGES FROM THE GOVERNOR**

February 4, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 309** sponsored by Representative R. Brown on February 4, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 518**, introduced by Lindeen, Barkus, Brueggeman, Cooney, Laible, Sinrud, referred to State Administration.  
**HB 519**, introduced by Golie, Carney, Dickenson, Gillan, Matthews, referred to Business and Labor.  
**HB 520**, introduced by Erickson, Fritz, referred to Local Government.  
**HB 521**, introduced by Balyeat, Shockley, referred to Judiciary.  
**HB 522**, introduced by Lenhart, Butcher, Tester, referred to Agriculture.  
**HB 523**, introduced by Balyeat, Bookout-Reinicke, Everett, Harris, Hurwitz, Kaufmann, Lake, Rice, Schrumpf, Sinrud, Wagman, Waitschies, referred to State Administration.  
**HB 524**, introduced by Mendenhall, Grimes, referred to Human Services.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 17**, introduced by Peterson, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Cyr, Devlin, Dickenson, Fritz, Fuchs, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Jacobson, Jent, Kasten, Lake, Laszloffy, Lehman, Lewis, Lindeen, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Pattison, Raser, Rice, Ross, Sales, Schrumpf, Sinrud, Shockley, Small-Eastman, Wanzenried, Waitschies, Windy Boy, Witt, Younkin, referred to Agriculture.  
**HJR 18**, introduced by Waitschies, Andersen, Anderson, Bales, Ballantyne, Barkus, Becker, Bergren, Bixby, Bohlinger, Bookout-Reinicke, Branae, Butcher, Callahan, E. Clark, P. Clark, Cobb, Curtiss, Dowell, Facey, Fisher, Forrester, Fritz,



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Galvin-Halcro, Gebhardt, Gibson, Gillan, Glaser, Golie, Grimes, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kitzenberg, Laible, Lake, Laslovich, Laszloffy, Lawson, Lehman, Malcolm, Matthews, McNutt, Mendenhall, Musgrove, Newman, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Roush, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Taylor, F. Thomas, Wagman, Wanzenried, Witt, referred to Agriculture.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 8**, introduced by Sprague, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 8**, introduced by Tester, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative P. Clark in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 131** - Representative R. Brown moved consideration of **HB 131** be passed for the day. Motion carried.

**HB 218** - Representative Bookout-Reinicke moved **HB 218** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 363** - Representative R. Brown moved **HB 363** do pass.

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Representative Branae moved consideration of **HB 363** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 403** - Representative Keane moved **HB 403** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 89

Noes: Balyeat, Fisher, Fuchs, Gallik, Hawk, Jackson, McKenney, Sales, Sinrud, Witt, Younkin.

Total 11

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 404** - Representative D. Brown moved **HB 404** do pass.

Representative D. Brown moved **HB 404**, second reading copy, be amended as follows :

1. Page 2, line 4.

**Following:** "it may"

**Insert:** ", under the procedure contained in subsection (2),"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Jayne, Small-Eastman.

Total 2

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Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

Motion that **HB 404**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, Dowell, Erickson, Fuchs, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jayne, Juneau, Kaufmann, Laszloffy, Mendenhall, Rome, Ryan, Sales, Small-Eastman, Wanzenried.

Total 25

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 406** - Representative Waitschies moved **HB 406** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Buzzas, Gallus, Jacobson, Weiss.

Total 4

Voted Absentee: Fuchs, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HJR 1** - Representative Harris moved **HJR 1** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 93

Noes: Balyeat, R. Brown, Franklin, Fuchs, Sales, Shockley, Younkin.

Total 7

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 5** - Representative Lewis moved **HJR 5** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Fisher, Franklin, Gillan, Golie, Jayne, Lange, Laszloffy, Sales, Sinrud, Small-Eastman, Wagman, Waitschies, Weiss, Witt.

Total 19

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HJR 6** - Representative R. Brown moved **HJR 6** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, R. Brown, Everett, Sales.

Total 4

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 363** - Representative R. Brown moved **HB 363** do pass.

Representative Branae moved **HB 363**, second reading copy, be amended as follows :

1. Title, page 1, line 10.

**Strike:** "THE TEACHER SIGNING BONUS PROGRAM"

**Insert:** "AND FOR PAYMENT OF PER-EDUCATOR ENTITLEMENTS"

2. Page 3, lines 1 and 2.

**Following:** "to"

**Strike:** "the" on line 1 through "1542]" on line 2

**Insert:** "pay for per-educator entitlements established in House Bill No. 193"

3. Page 3, line 4.

**Strike:** "\_\_\_ Bill No. \_\_\_ [LC 1542]"

**Insert:** "House Bill No. 193"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 41

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Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 59

Voted Absentee: Fuchs, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 363** do pass carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Balyeat, Barrett, Dickenson, Everett, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Harris, Jackson, Jayne, Juneau, Kasten, Lawson, Pattison, Rice, Ripley, Sales, Sinrud, Waitschies, Windy Boy.  
Total 22

Voted Absentee: Fuchs, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman P. Clark moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 85

Noes: Balyeat, Bixby, Buzzas, Cohenour, Franklin, Gallik, Galvin-Halcro, Golie, Juneau, Ryan, Small-Eastman, Smith.  
Total 12

Excused: Fuchs.  
Total 1

Absent or not voting: Jent, Morgan.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 99** passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, E. Clark, Devlin, Fisher, Hawk, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lehman, Maedje, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Steinbeisser, Stoker, Waitschies, Witt.  
Total 29

Excused: Fuchs.  
Total 1

Absent or not voting: Hedges.  
Total 1

**HB 223** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: E. Clark, Cyr, Devlin, Franklin, Gallus, Galvin-Halcro, Jayne, Jent, Keane, Laslovich, Laszloffy, Malcolm,

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Morgan, Newman, Parker, Ryan, Weiss.  
Total 17

Excused: Fuchs.  
Total 1

Absent or not voting: Everett.  
Total 1

**HB 246** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Fuchs.  
Total 1

Absent or not voting: Lambert.  
Total 1

**HB 340** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 98

Noes: Younkin.  
Total 1

Excused: Fuchs.  
Total 1

Absent or not voting: None.



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Total 0

**HB 354** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Forrester, Gillan, Jayne, Kasten, Pattison.

Total 6

Excused: Fuchs.

Total 1

Absent or not voting: Malcolm.

Total 1

**HB 366** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

**HB 389** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Mendenhall.  
Total 1

Excused: Fuchs.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 131** be taken from second reading this day and be rereferred to the Committee on Federal Relations, Energy, and Telecommunications. There being no objection, so ordered.

Representative R. Brown moved **HB 363** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 6, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 6, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Fuchs, Gallus, and Morgan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-first, twenty-second, and twenty-third legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House Chambers.

Speaker Mood recognized President Keenan and yielded the chair to him. President Keenan relinquished the chair to Speaker Mood so he could preside over the joint session.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary Address from the Honorable Chief Justice of the Supreme Court of the State of Montana, Karla M. Gray. Motion carried.

Senator Thomas moved the Speaker be authorized to appoint a committee to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana that we are in joint session and ready to receive the State of the Judiciary Address. Motion carried.

The Speaker appointed Senator Wheat, Senator Perry, Representative Shockley, and Representative Jayne to escort the Honorable Chief Justice and Justices into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and Associate Justices into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and The Honorable Chief Justice Gray into the House chamber.

Colors posted by the Montana State Prison Honor Guard. Pledge of Allegiance to the Flag

Invocation by Pastor Keith Johnson of the Evangelical Covenant Church.

Speaker Mood welcomed the Justices and introduced Chief Justice Karla M. Gray, who gave the following address:

follows:Speaker Mood, President Keenan, Members of the 58th Montana Legislature, distinguished guests, fellow Montanans, I am honored to address this joint session of the 58th Montana Legislature, and the people of Montana we all serve.

Our beloved state faces particularly challenging times right now, and we must all give the best that is in us--and perhaps a little more--to solve the problems we face. As I said two years ago, when Montana's severe fiscal straits had not yet surfaced, this is a time to renew our commitment to providing the people of Montana all they deserve, from all of us, in our respective roles under the Montana Constitution. I assured you then, and I assure you again today, that Montana's judges have made this commitment. And I know the Governor and this Legislature have done the same.

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We must all work together--not at odds with each other--or we cannot succeed; and succeed we must!

There are so many thoughts I'd like to share this afternoon, but time is short and we all have much work to do. So, first, I'll briefly address the structure of Montana's judicial branch of government. Then I need to visit with you--on this one occasion when I can do so face-to-face with all of you at once--about matters pending here which impact the judicial branch. But don't worry--with the scores of court-related bills already in the hopper this year, I promise not to touch on all of them! And, finally, I'll return to my opening theme of our three-branch governmental structure.

You know, courts and the rule of law are the cornerstones of our constitutional republic. Courts are where our citizens bring their disputes for peaceful resolution, rather than taking to the streets in arms. Here in Montana, our citizens are served by a 3-tiered judicial system that has been--and remains--strong, notwithstanding enormous changes and challenges in the last two years. We are strong because Montanans elect high quality judges and justices at all levels to provide them the justice to which they are entitled, without unreasonable delay, under the Montana Constitution. Also, of course, we are strong because--like the other two branches--we have enormously dedicated staff to help us serve all Montanans.

The first level of our judicial branch is the 158 courts of limited jurisdiction--the Justices of the Peace, Municipal Court judges, and City Court judges. These are our local courts, and they hear over 250,000 cases each year, including traffic offenses, local ordinance violations, misdemeanor criminal charges, small-dollar-amount civil actions, landlord/tenant disputes and others. These judges are truly the "front line" judges in our branch, and they are the only courts with which most Montanans will ever have contact. They truly deserve our respect, and our thanks, for the outstanding job they do in handling their enormous case loads in a fair and expeditious manner.

The next level of Montana courts is the district courts, with their 42 judges; and I want to thank the last Legislature again--as I'm certain the people of Cascade and Ravalli Counties do--for adding a new judge to each of those two judicial districts. The statutory water court and workers' compensation court are at this same level in our judicial branch structure. Except for the specialized statutory courts, the district courts are courts of general jurisdiction; they handle every conceivable kind of civil case, all felony criminal cases, judicial review of agency decisions and some appeals from the courts of limited jurisdiction. Our district court judges are also our Youth Court judges. Approximately 30,000 cases are filed in the district courts each year and those cases are in very good hands.

The third level in our judicial branch is, of course, the Montana Supreme Court. The seven members of the Supreme Court--a Chief Justice and six Justices--are the "end of the road" on questions arising under Montana law. Many of our cases involve trying to determine what your intent was in passing certain statutes. And if you think we got your intent wrong, you can--and regularly do--amend statutes in response. We sometimes apply statutes as expressly written, but invite you to revisit those statutes. And you often do. We are also, though, the final protectors of the rights and freedoms Montanans provided directly to each of us when they--not this body and not the Court--adopted the 1972 Montana Constitution.

Our Supreme Court is uncommonly busy, because we must take the appeals anyone wants to bring from the statutory courts and all the district courts across the state. And we are uncommonly productive, because we are dedicated to meeting our constitutional responsibilities to the people of Montana in a quality manner, and as quickly as you give us the resources to accomplish.

With regard to productivity and efficiency at the Supreme Court, both increased in 2002 over 2001. We issued 353 written opinions last year, compared to 316 in 2001. And, at least as importantly, the average number of days from the time a case came "upstairs" to the Court for consideration, to the time an opinion was issued, decreased from 170 days in 2001, to 123 days in 2002. Now that may not seem like a big improvement to you, but it matters greatly to litigants who have a substantial interest in finally having their cases resolved. We accomplished these improvements by making good use of the three new law clerks authorized by the last Legislature, as moved in budget subcommittee

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by Senator Stapleton, and which I urge you to reauthorize this year. Please don't let us go backwards in getting Montanans to the "end of the legal road" without unreasonable delay, as required by the Montana Constitution!

In 2002, the Supreme Court also changed some long-standing internal procedures, which allows us to consider more new appeals each week than we had in 2001. We continue to seek additional innovative ways to increase efficiency, without sacrificing the quality of our work. Indeed, we are presently creating a new style of opinion to resolve some appeals more efficiently than ever before. It doesn't go as far as Representative Shockley would like us to go, but I'm pretty sure he'll think it's an improvement!

I turn now, as I must, to legislative-related matters, and highlight those which impact fiscally on the abilities of Montana's courts to meet their responsibilities to the citizens of Montana. First is Representative Shockley's HB 18, introduced at the Supreme Court's request. It's a simple, but absolutely critical, bill which does only two things: it eliminates the sunset on the current court information technology surcharge, and increases the surcharge from \$5 to \$10. There is no general fund impact. The surcharge is pretty much the only source of funding for judicial branch IT, so we not only can't let it sunset, it must be increased to meet the additional and significant IT needs which came over--without any related funding--as a result of state assumption. This bill zinged out of House Judiciary 18 to 0, and received a third reading vote in the House of 99 to 0. I ask the Senate to give HB 18 the same level of support.

Most of the rest of my remarks on legislative matters relate in some way or other to state assumption. When I stood before you two years ago, the courts of Montana were being funded--as always they had been; never luxuriously, but always adequately to meet at least minimal levels needed for the courts to meet their constitutional obligations to the people of Montana. The branch's budget proposals to the Legislature generally contained a couple of decision packages, but they were not highly controversial.

Then came HB 124, the "Big Bill" and SB 176, the state assumption bill. SB 176 was not a bill at the Supreme Court's request; we took no position on it at all. Nor did state assumption receive a lot of scrutiny on the floor of either house, sort of coming in under the wing of the "Big Bill" nearly at the end of the session. In any event, state assumption is the current reality. Conceptually, it's a good idea, and it may well provide opportunities in the future for Montana's courts to better serve all Montanans. At the moment, however, state assumption has made the judicial branch's budget a nightmare. And so, my first request is that you continue to ensure that Montana's courts are adequately funded, in whichever way you ultimately determine is appropriate. State assumption was never intended to hurt Montana's courts or the people of Montana we serve!

The tools to fund the courts are before you. Those tools, starting with the highest adverse impact on the general fund, currently appear to be these:

- 1) Fund the judicial branch's budget request from the general fund. Our budget request is approximately \$18 million over the executive's recommended budget for the biennium, with about \$17.2 million of that amount directly related to state assumption;
- 2) Continue to fund the state assumption-related expenses on a shared state/counties basis by means of a proposal I've offered to the budget subcommittee and a Senate joint subcommittee. That proposal would set aside \$7.5 million each year in the coming biennium for the reimbursement of what we call variable costs; any excess would go to the counties, but the counties would retain fall-back responsibility if the \$7.5 million per year is not enough to cover those costs. This proposal is about \$2.4 million over the executive's recommended budget;
- 3) Return the responsibility for \$17.2 million in state assumption-related costs to the counties under SB 134, which was introduced at the request of the Office of Budget and Program Planning. This bill, and other matters, are currently being researched by the Senate joint subcommittee; or
- 4) Adopt SB 264, which repeals state assumption altogether and may save the general fund over \$22 million.

These decisions are, of course, yours to make. My overriding position, stated simply, is that Montana's courts must not be underfunded as a result of the 57th Legislature's action in adopting state assumption.

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My second request is that, in funding the courts, you not allow state assumption funding needs to impact adversely on other Court programs that pre-existed the last Legislature's decision to make the state responsible for district court expenses. It would be totally unfair to force other Court programs to subsidize state assumption, or to refuse to consider the needs of those programs separately from the needs of state assumption. And back to state assumption for a minute, I ask you to authorize the 2.25 administrative FTE requested in our budget proposal. Existing staff simply cannot manage the unimaginable paper blizzard which has engulfed us since state assumption. The result is that the counties are having to wait too long to be reimbursed, and that's just wrong!

The last thoughts I want to share with you on fiscal matters are these: Notwithstanding the recent turbulence resulting from state assumption, the Montana judiciary is fully committed, one and all, both to ensuring that all Montanans have access to justice, and to administering justice fairly and timely. We cannot do it without your support in providing the resources needed to meet our constitutional responsibilities.

Let me close by coming back full circle to the beginning, and talking again about all three branches of government. It occurred to me a couple of nights ago that there are actually more elected judges in Montana than there are members of the Montana Legislature. In addition, the judicial branch has a higher percentage of women among its ranks than the Legislature. These are not significant differences, merely informational tidbits. But there are differences between all three branches that are significant, and perhaps the biggest of those is this: the executive branch and the legislative branch are essentially pro-active branches, while the judicial branch is not. The executive branch is charged with running state government at all times, in nearly every respect. Similarly, the legislative branch currently meets every two years to enact, in a very active way, the laws which reflect the public policy of Montana, and which govern all manner of behavior for both the people of Montana and the private and public sectors of this wonderful state. The judicial branch's role is, in essence, to wait for the people of Montana to bring us their disputes to resolve. Of course, there's never really any waiting involved, given the caseloads at all levels of our branch. But ours is a passive role; our sole existence is to be there for those who need us, and to resolve their problems fairly and objectively under the law. And we are there--as are both of the other branches in their different ways--for the people of Montana!

You know, I'm certain we all agree that our system of government, with its three separate and distinct branches and its system of checks and balances, is the best system in the world. There will always be inevitable tensions between the branches, because those tensions were deliberately created by the framers of both the United States and Montana Constitutions. But this is the place--this Legislature, every two years--where the three branches of government come together to resolve Montana's problems. And I'd suggest to you that the built-in tensions between the branches amount to nothing, when compared with the necessity of working together--in good faith and with good will--to do the best we can for the people of Montana. So let's join together in ensuring that we conduct ourselves with mutual respect and civility. And let's resolve our problems together. If we do less, the people's trust and confidence in government will continue to decrease, and we will have lost this valuable opportunity to show Montanans the inherent greatness of our governmental structure.

In closing, and on behalf of the entire judicial branch, I extend our very best wishes to you as you wrestle through this enormously challenging session.

Speaker Mood thanked Chief Justice Gray for her address.

The committee escorted the Honorable Chief Justice, Justices, and dignitaries from the House chamber.

Senator Thomas moved the joint session of the 58th Legislature be adjourned. Motion carried.

Members of the Senate retired from the House chamber.

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**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/6/2003  
Correctly printed: **HB 55, HB 351, HB 385.**  
Correctly engrossed: **HB 17, HB 101, HB 226, HB 292, HB 369.**  
Correctly enrolled: **HB 16, HB 25, HB 34, HB 38, HB 39, HB 46, HB 48, HB 68, HB 69, HB 78, HB 84, HB 132, HB 162.**  
Examined by the sponsor and found to be correct: **HB 16, HB 25, HB 34, HB 38, HB 39, HB 46, HB 48, HB 68, HB 69, HB 78, HB 84, HB 132, HB 162.**  
Signed by the Speaker at 11:33 a.m., February 5, 2003: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153.**  
Signed by the Speaker at 11:25 a.m., February 6, 2003: **HB 16, HB 25, HB 34, HB 38, HB 39, HB 46, HB 48, HB 68, HB 69, HB 78, HB 84, HB 132, HB 162.**  
Delivered to the Governor for approval at 4:07 p.m., February 5, 2003: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153.**

**AGRICULTURE** (Rice, Chairman): 2/5/2003  
**HB 378**, introduced bill, be amended as follows:

1. Page 1, lines 18 and 19.  
**Strike:** "species that occurred in Montana prior to 1805"  
**Insert:** "indigenous to the state of Montana"

2. Page 2, lines 7 and 8.  
**Strike:** "species that occurred in Montana prior to 1805"  
**Insert:** "indigenous to the state of Montana"

And, as amended, do pass. Report adopted.

**HB 420**, do pass. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman): 2/6/2003  
**HB 160**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 2/5/2003  
**HB 184**, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.  
**Strike:** "has" on line 18 through "are" on line 19  
**Insert:** "includes but is"

2. Page 2, line 19 through line 21.  
**Strike:** subsection (1) in its entirety  
**Renumber:** subsequent subsections

3. Page 2, line 28.  
**Following:** "not"  
**Insert:** "determine credit history or credit score or"

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**Following:** "upon"

**Strike:** "a"

4. Page 3, line 3.

**Following:** "house"

**Insert:** "if it is evident from the consumer report or credit history that the loan is for the purchase of a vehicle or house"

5. Page 4, line 14.

**Strike:** "five"

**Insert:** "four"

6. Page 4, line 30.

**Strike:** "a consumer"

**Insert:** "an insured"

7. Page 5, line 1.

**Strike:** "consumer"

**Insert:** "insured"

8. Page 5, line 3.

**Strike:** "consumer"

**Insert:** "insured"

9. Page 5, line 4.

**Strike:** "consumer"

**Insert:** "insured"

10. Page 5, line 5.

**Strike:** "consumer"

**Insert:** "insured"

11. Page 5, line 6.

**Strike:** "consumer"

**Insert:** "insured but may increase the premium based upon the corrected information at the next renewal"

12. Page 5, line 13.

**Strike:** "or fails to renew"

13. Page 5, line 14.

**Strike:** "or nonrenewal"

14. Page 5, line 15.

**Strike:** "or"

**Insert:** "and"

And, as amended, do pass. Report adopted.

**HB 501**, introduced bill, be amended as follows:



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1. Page 4, line 4.

**Strike:** "31" in two places

**Insert:** "37" in both places

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/6/2003

**HB 264**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "ADHERE TO"

**Insert:** "SUPERVISE STAFF IN A MANNER THAT COMPLIES WITH"

2. Page 1, line 13.

**Strike:** "elected and appointed"

3. Page 1, line 20.

**Strike:** "adhere to"

**Insert:** "supervise staff in a manner that complies with"

And, as amended, do pass. Report adopted.

**HB 333**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/5/2003

**HB 435**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "A"

**Insert:** "MONTANA"

**Strike:** "LOCAL GOVERNMENT"

**Insert:** "POLITICAL SUBDIVISION"

2. Page 1, line 17.

**Following:** the second "a"

**Insert:** "Montana"

**Strike:** "local government"

**Insert:** "a political subdivision of the state of Montana"

And, as amended, do pass. Report adopted.

**HR 2**, be adopted. Report adopted.

**TAXATION** (Fuchs, Chairman):

2/6/2003

**HB 490**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/5/2003

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**SB 65**, introduced by Roush  
**SB 121**, introduced by Glaser  
**SB 238**, introduced by Mangan  
**SB 274**, introduced by McGee

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 525**, introduced by Keane, E. Clark, Cooney, Jacobson, A. Olson, referred to Business and Labor.  
**HB 526**, introduced by Kaufmann, Bergren, Franklin, Wanzenried, Weiss, referred to Business and Labor.  
**HB 527**, introduced by Mendenhall, referred to Natural Resources.  
**HB 528**, introduced by Raser, Mahlum, referred to Local Government.  
**HB 529**, introduced by Kaufmann, Bohlinger, R. Brown, Brueggeman, Dickenson, Ellingson, Jayne, Keenan, Lindeen, Musgrove, Schruppf, referred to Judiciary.  
**HB 530**, introduced by Erickson, referred to Transportation.  
**HB 531**, introduced by Hurwitz, Barrett, Brueggeman, Bookout-Reinicke, Haines, Lake, Lehman, A. Olson, Pattison, Rice, Ripley, referred to Agriculture.  
**HB 532**, introduced by Stoker, referred to State Administration.  
**HB 533**, introduced by Stoker, referred to Natural Resources.  
**HB 534**, introduced by Steinbeisser, referred to Business and Labor.  
**HB 535**, introduced by Jacobson, referred to Local Government.  
**HB 536**, introduced by Brueggeman, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 19**, introduced by Raser, referred to Human Services.  
**HJR 20**, introduced by Roberts, D. Brown, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 142** - Representative Devlin moved **HB 142** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

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Noes: None.  
Total 0

Voted Absentee: Fuchs, Gallus, Morgan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mendenhall.  
Total 1

**HB 150** - Representative Lawson moved **HB 150** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Fuchs, Gallus, Morgan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 151** - Representative B. Olson moved **HB 151** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

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Voted Absentee: Fuchs, Gallus, Morgan, Ayes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 178** - Representative R. Brown moved consideration of **HB 178** be passed for the day. Motion carried.

**HB 180** - Representative E. Clark moved **HB 180** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumphf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fuchs, Gallus, Morgan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 211** - Representative Newman moved **HB 211** do pass.

Representative Juneau moved **HB 211**, second reading copy, be amended as follows :

1. Title, page 1, line 7.

**Following:** "MEMBERS;"

**Insert:** "REQUIRING THAT AT LEAST ONE MEMBER OF THE BOARD BE SUPPORTED AT THE TIME OF APPLICATION BY AT LEAST TWO OF THE EIGHT TRIBAL GOVERNMENTS IN MONTANA;"

2. Page 1, line 23.

**Following:** "board."

**Insert:** "In order to comply with the intent of 2-15-108, at least one member of the board must be supported at the time of the member's application by letters of recommendation from at least two of the eight tribal governments in Montana."

Amendment adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Pattison, Raser, Ripley, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 50

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, B. Olson, Peterson, Rice, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 46

Voted Absentee: Fuchs, Aye.

Excused: Gallus, Morgan.  
Total 2

Absent or not voting: A. Olson, Ross.  
Total 2

Motion that **HB 211**, as amended, do pass carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 74

Noes: Andersen, Balyeat, Bitney, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Hawk, Hedges, Jackson, Kasten, Laslovich, Maedje, Malcolm, McKenney, Pattison, Peterson, Rice, Sales, Sinrud, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 26

Voted Absentee: Fuchs, Gallus, Morgan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 379** - Representative Ripley moved **HB 379** do pass.

Representative Ripley moved **HB 379**, second reading copy, be amended as follows:

1. Title, page 1, line 12.  
**Following:** "143;"

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**Insert:** "PROVIDING FOR A LOCAL OPTION ELECTION REGARDING HARVESTING ALTERNATIVE LIVESTOCK FOR A FEE OR OTHER REMUNERATION;"

2. Page 2, line 6 through line 7.

**Strike:** "harvest for a fee or other remuneration," on line 7

3. Page 2, line 8.

**Strike:** "and"

4. Page 2, line 9.

**Strike:** "."

**Insert:** "; and (d) subject to [section 7], harvest alternative livestock for a fee or other remuneration."

5. Page 6, line 9.

**Insert:** "NEW SECTION. Section 7. Local option election for harvest of alternative livestock for fee or other remuneration. (1) The county commissioners of each county shall either authorize or prohibit the harvest of alternative livestock for a fee or other remuneration within that county.

(2) The county commissioners' determination is subject to the initiative and referendum provisions of 7-5-131 through 7-5-137."

**Renumber:** subsequent sections

6. Page 6, line 12.

**Strike:** "SECTIONS 1, 2, AND 6"

**Insert:** "[Sections 1, 2, 6, and 7]"

7. Page 6, line 14.

**Strike:** "[sections ~~1 and 2~~ 1, 2, AND 6]"

**Insert:** "[sections 1, 2, 6, and 7]"

Representative R. Brown moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Franklin, Gallik, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.

Total 78

Noes: Balyeat, Bixby, P. Clark, Cohenour, Dickenson, Erickson, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Jent, Raser, Ryan, Wilson.

Total 15

Excused: Fuchs, Gallus, Morgan.

Total 3

Absent or not voting: E. Clark, Lehman, Lindeen, Mr. Speaker.

Total 4

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Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laszloffy, Lawson, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Voted Absentee: Fuchs, Morgan, Ayes.

Excused: Gallus.

Total 1

Absent or not voting: Lindeen.

Total 1

Representative P. Clark moved **HB 379**, second reading copy, be further amended as follows :

1. Title, line 13.

**Following:** line 12

**Insert:** "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

2. Title, line 14.

**Following:** "PROVIDING AN"

**Strike:** "IMMEDIATE"

3. Page 6, line 19.

**Following:** "effective on"

**Strike:** "passage and"

**Following:** "approval"

**Insert:** "by the electorate"

4. Page 6.

**Following:** line 22

**Insert:** "NEW SECTION. Section 12. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the full title of this act and the following:

- ☐ FOR authorizing alternative livestock ranches to operate pursuant to the provisions of law in effect prior to passage of Initiative Measure No. 143.
- ☐ AGAINST authorizing alternative livestock ranches to operate pursuant to the provisions of law in effect prior to passage of Initiative Measure No. 143."

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Amendment **not** adopted as follows:

Ayes: Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Sales, Shockley, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Voted Absentee: Fuchs, No.

Excused: Gallus, Morgan.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 379**, as amended, do pass.

Representative R. Brown moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fritz, Gillan, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Newman, Wanzenried, Wilson, Windy Boy.

Total 30

Excused: Fuchs, Gallus, Morgan.

Total 3

Absent or not voting: Raser.

Total 1

Motion that **HB 379**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,



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E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Newman, Noennig, Parker, Raser, Ryan, Shockley, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Voted Absentee: Fuchs, Morgan, Ayes; Gallus, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Noes: Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Parker, Raser, Ryan, Wanzenried, Weiss, Wilson, Windy Boy.

Total 38

Excused: Fuchs, Gallus, Morgan.

Total 3

Absent or not voting: Franklin, Haines, Schrumpf.

Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 218** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Fuchs, Gallus, Morgan.

Total 3

Absent or not voting: Smith.

Total 1

**HB 321** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Becker, Franklin.

Total 2

Excused: Fuchs, Gallus, Morgan.

Total 3

Absent or not voting: None.

Total 0

**HB 403** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

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Total 85

Noes: Balyeat, Devlin, Everett, Fisher, Gallik, Hawk, Jackson, Sales, Sinrud, Steinbeisser, Younkin, Mr. Speaker.  
Total 12

Excused: Fuchs, Gallus, Morgan.  
Total 3

Absent or not voting: None.  
Total 0

**HB 406** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Buzzas, Jacobson, Jent, Mendenhall.  
Total 4

Excused: Fuchs, Gallus, Morgan.  
Total 3

Absent or not voting: B. Olson.  
Total 1

**HJR 1** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, R. Brown, Sales, Shockley, Younkin.  
Total 6

Excused: Fuchs, Gallus, Morgan.  
Total 3

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Absent or not voting: Forrester, Gillan.  
Total 2

**HJR 5** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Stoker, Thomas, Wanzenried, Wilson, Younkin.  
Total 71

Noes: Balyeat, D. Brown, R. Brown, Everett, Fisher, Franklin, Gillan, Jayne, Kasten, Lange, Laszloffy, Maedje, Malcolm, Pattison, Roberts, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Weiss, Windy Boy, Witt, Mr. Speaker.  
Total 24

Excused: Fuchs, Gallus, Morgan.  
Total 3

Absent or not voting: Haines, Smith.  
Total 2

**HJR 6** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, R. Brown, Everett, Sales.  
Total 4

Excused: Fuchs, Gallus, Morgan.  
Total 3

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Buzzas.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, February 7, 2003. Motion carried.

House adjourned at 3:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 1, 2003

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Ashley Miller and piano accompaniment by Representative Schrumpf.

Pledge of Allegiance to the Flag.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

The Speaker introduced the University of Great Falls Trinitas Choir which includes former Senator Chris Christiaens and directed by John Sidlitz who performed two songs for the House.

Roll Call. All members present, except Representatives Bitney, Buzzas, Everett, and Peterson, excused. Quorum present.

Mr. Speaker introduced the honorary page for the day:

Micah Crowley, Helena

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 51** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

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**HB 76** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Erickson, Gutsche, Harris, Kaufmann, Sales, Small-Eastman, Smith.  
Total 8

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 121** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Fritz.  
Total 1

**HB 122** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange,

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Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: Gallik, Keane.  
Total 2

**HB 181** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Hawk, Rome, Steinbeisser, Wagman.  
Total 4

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**HB 296** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Morgan, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Roberts, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Kasten, Lange, Laszloffy, Lehman, Lewis, Matthews, McKenney, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Waitschies, Witt.



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Total 33

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: None.

Total 0

**HB 311** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, D. Brown, R. Brown, Golie, Hawk, Laszloffy, Sales, Sinrud.

Total 8

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Parker.

Total 1

**HB 317** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Bitney, Buzzas, Everett, Peterson.

Total 4

Absent or not voting: Morgan.

Total 1

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**HB 338** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, Musgrove, Newman, A. Olson, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Laszloffy, Lehman, Malcolm, McKenney, Mendenhall, Morgan, Noennig, Pattison, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.  
Total 37

Excused: Bitney, Buzzas, Everett, Peterson.  
Total 4

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/1/2003  
Correctly printed: **HB 60, HB 151, HB 152, HB 198, HB 272, HB 392.**  
Correctly engrossed: **HB 131, HB 142, HB 158, HB 176, HB 303, HB 304, HB 410, HJR 12, HJR 14.**  
Correctly enrolled: **HB 21.** 1/31/2003  
Examined by the sponsor and found to be correct: **HB 21.** 1/31/2003  
Signed by the Speaker at 2:55 p.m., January 31, 2003: **HB 21.**  
Signed by the Chief Clerk of the House at 2:56 p.m., January 31, 2003: **HB 21.**  
Signed by the President at 3:25 p.m., January 31, 2003: **HB 21.**  
Delivered to the Governor for approval at 4:00 p.m., January 31, 2003: **HB 21.**

**AGRICULTURE** (Rice, Chairman): 1/30/2003  
**HB 325**, do pass. Report adopted.  
**HB 364**, do pass. Report adopted.  
**HB 379**, introduced bill, be amended as follows:

1. Title, page 1, line 7.  
**Following:** "87-4-412"  
**Insert:** ", "  
**Strike:** "AND"  
**Following:** "87-4-417"  
**Insert:** ", AND 87-4-428"

2. Page 2, line 30.  
**Following:** "~~transfer prohibited~~"  
**Insert:** " -- transferability"  
**Following:** "(+)"

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**Insert:** "(1)"

3. Page 3.

**Following:** line 4

**Insert:** "(2) An alternative livestock ranch license for a specific facility is transferable with the consent of the department. The department's consent must be given if:

(a) the transferee owns or leases the premises on which the operations are to be conducted;

(b) the transferee or the transferee's principal manager:

(i) has not been convicted of or has not forfeited bond of \$100 or more for more than one violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to application;

(ii) has not at any time pleaded guilty to or been convicted of a felony, unless civil rights have been restored pursuant to law. A person may not apply for a transfer at any time during which a deferred or suspended felony sentence is in effect.

(iii) is at least 18 years of age.

(c) the alternative livestock ranch and facilities are in compliance with requirements in place at the time the license was issued;

(d) the alternative livestock ranch is not under quarantine by the department;

(e) alternative livestock to be transferred are not prohibited under this part and department rules; and

(f) the transfer is not proposed as a means to evade a requirement imposed on the licensee."

4. Page 3.

**Following:** line 27

**Insert:** "Section 5. Section 87-4-428, MCA, is amended to read:

**"87-4-428. Right to administrative hearing.** (1) A licensee must be given notice and an opportunity for a hearing before the department may refuse to renew a license, revoke a license, ~~or~~ discipline a licensee, deny a license modification, or issue a license modification with stipulations.

(2) The notice and an opportunity for a hearing and any judicial appeal must be conducted as provided in Title 2, chapter 4, parts 6 and 7."

**Insert:** "NEW SECTION. **Section 6. Criteria for modification of license.** (1) A new alternative livestock ranch license may not be issued in this state.

(2) An application for an alternative livestock ranch license modification may be denied in its entirety or issued with stipulations if necessary to prevent public safety hazards or significant negative impacts to Montana's wildlife resources. Denial of an application or stipulations attached to a license modification must be based on one or more of the following potential impacts attributed to the physical location of the alternative livestock ranch:

(a) substantial loss or destruction of critical seasonal game animal habitat or habitat of federally designated threatened or endangered species under the Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., including but not limited to critical breeding, birthing, rearing, and wintering areas;

(b) blockage or disruption of major traditional seasonal migration corridors or major travel routes;

(c) an unacceptable threat of introduction or transmission of serious diseases or parasites to native wildlife populations, as determined by the state veterinarian appointed pursuant to 81-1-301;

(d) an unacceptable threat of escape of alternative livestock and establishment of feral populations that would result in habitat damage or competition with or genetic hybridization of native wildlife populations.

(3) The denial of an application for license modification or the issuance of a license modification with stipulations must be based on substantive and credible evidence.

(4) An application for a license modification may not be for the purpose of charging a fee for the harvest of alternative livestock.

(5) If the department determines that it will propose to deny an application for a license modification or issue a license modification with stipulations, the applicant must be given an opportunity to make changes to the

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application within 30 days of receipt of the department's written determination in order to mitigate or correct any problems or deficiencies. The department shall reconsider the application with the proposed changes within 30 days of receipt of changes to the application before granting, proposing to deny, or proposing to issue a license modification with stipulations.

(6) (a) An applicant may request that the alternative livestock advisory council review a department proposal to deny an application for a license modification or to issue a license modification with stipulations by petitioning the alternative livestock advisory council for review within 10 days of the department's proposed decision. The alternative livestock advisory council shall issue a recommendation to the commission to either grant the license modification, propose to deny the license modification, or issue the license modification with stipulations.

(b) Upon receipt of the alternative livestock advisory council's recommendation pursuant to subsection (6)(a), the commission shall decide whether to grant the license modification, propose to deny the license modification, or issue the license modification with stipulations. The commission decision then becomes the department's proposed decision, subject to an opportunity for hearing pursuant to 87-4-428.

(7) The department may establish by rule additional criteria for license modifications."

**Renumber:** subsequent sections

5. Page 4, line 1.

**Strike:** "[Sections 1 and 2]"

**Insert:** "[Sections 1, 2, and 6]"

6. Page 4, line 3.

**Strike:** "1 and 2"

**Insert:** "1, 2, and 6"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/31/2003

**HB 186**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "LIEN"

2. Title, page 1, line 13.

**Following:** "MOTOR VEHICLE"

**Insert:** "DEALERS"

**Following:** "RECREATIONAL VEHICLE"

**Insert:** "DEALERS"

**Strike:** "AND"

**Following:** "DEALERS"

**Insert:** ", WHOLESALERS, AND AUTO AUCTIONS"

3. Title, page 1, line 22.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

4. Title, page 1, line 24.

**Strike:** "GARAGE"

**Insert:** "GENERAL"

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5. Page 2, line 20.

**Strike:** "garage"

**Insert:** "general"

6. Page 2, line 22.

**Strike:** "garage"

**Insert:** "general"

7. Page 2, line 25.

**Strike:** "garage"

**Insert:** "general"

8. Page 2, line 29.

**Strike:** "garage"

**Insert:** "general"

9. Page 3, line 3.

**Strike:** "or lienholder"

10. Page 3, line 5.

**Strike:** "or lienholder"

11. Page 3, line 6.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

12. Page 3, line 12.

**Strike:** "or lienholder"

13. Page 3, lines 13 and 14.

**Following:** "satisfy the"

**Insert:** "perfected"

**Following:** "interest"

**Strike:** "or lien"

14. Page 3, line 16.

**Strike:** "or lienholder"

15. Page 3, line 17.

**Strike:** "deliver"

**Insert:** "forward"

**Following:** "executed"

**Strike:** "lien"

16. Page 3, line 18.

**Strike:** "1 business day"

**Insert:** "15 business days"

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17. Page 3, line 20.

**Strike:** "3"

**Insert:** "18"

18. Page 3, line 22.

**Strike:** "6"

**Insert:** "21"

19. Page 5, line 25.

**Strike:** "garage"

**Insert:** "general"

20. Page 9, line 20.

**Strike:** "or lienholder"

21. Page 13, line 20.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

22. Page 17, line 9.

**Strike:** "garage"

**Insert:** "general"

23. Page 17, line 13.

**Strike:** "garage"

**Insert:** "general"

24. Page 17, line 16 through line 17.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

25. Page 18, line 3.

**Strike:** "garage"

**Insert:** "general"

26. Page 21, line 1.

**Strike:** "garage"

**Insert:** "general"

27. Page 21, line 8.

**Strike:** "\$35,000"

**Insert:** "\$50,000"

28. Page 21, line 27 through line 30.

**Strike:** "fails" on line 27 through "term" on line 30

**Insert:** "cannot, under penalty of law, certify the number of vehicle sales required under subsection (5)(c) shall pay a fee of \$25 in addition to the fees required in subsection (3)"

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And, as amended, do pass. Report adopted.

**JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT** (Barkus, Chairman): 2/1/2003  
**SB 258**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/31/2003  
**HB 211**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "AUTHORIZING TELEPHONE CONFERENCE HEARINGS;"

2. Page 3, line 19.

**Following:** "reviews"

**Insert:** "and administrative reviews"

3. Page 3, line 21.

**Strike:** "or"

**Insert:** "and may hold an administrative review via"

4. Page 4, line 25.

**Following:** "victim."

**Insert:** "A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The victim's statement may be kept confidential."

5. Page 6, line 6.

**Strike:** "and telephone conference"

**Following:** the second "hearings,"

**Insert:** "telephone conference administrative reviews,"

And, as amended, do pass. Report adopted.

**HB 247**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Strike:** "concerning"

**Insert:** "prohibiting or penalizing"

2. Page 3, line 1.

**Following:** "loitering"

**Insert:** "and prevent disorderly persons from loitering"

And, as amended, do pass. Report adopted.

**HB 293**, do pass. Report adopted.

**HB 308**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman): 1/31/2003  
**HB 185**, introduced bill, be amended as follows:

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1. Title, line 7.

**Strike:** ", THE USA PATRIOT ACT,"

2. Title, line 13 through line 15.

**Strike:** "REVISING" on line 13 through "LICENSE;" on line 15

3. Title, line 22 through line 23.

**Strike:** "IN" on line 22 through "AND" on line 23

4. Title, line 27.

**Strike:** "EFFECTIVE DATES AND"

5. Page 3, line 15.

**Following:** "61-9-402;"

**Insert:** "and"

6. Page 3, lines 16 and 17.

**Strike:** "and" on line 16 through ";" on line 17

7. Page 9, line 29.

**Following:** "rulemaking" on page 9

**Insert:** "-- reciprocity agreements"

**Following:** "."

**Insert:** "(1)"

8. Page 10, line 3.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 10, line 14.

**Following:** "1"

**Insert:** "and"

10. Page 10, line 16 through line 18.

**Strike:** "1" on line 16 through "endorsement" on line 18

**Insert:** "(2) The department is authorized to enter into reciprocal agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license as provided in 61-1-134(2)."

11. Page 16, lines 8 and 9.

**Strike:** "or" on line 8 through "vehicle" on line 9

12. Page 20.

**Following:** line 20

**Insert:** "NEW SECTION. Section 22. Coordination instruction. If Senate Bill No. 13 and [this act] are both passed and approved, then the number 0.10 in [section 14(2)(b)(i)], amending 61-8-802, must be replaced by the number 0.08."



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**Renumber:** subsequent sections

13. Page 20, line 22 through line 24.

**Strike:** section 22 in its entirety

**Renumber:** subsequent section

14. Page 20, line 27.

**Strike:** "[the effective date of sections 4 through 6]"

**Insert:** "October 1, 2003"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/31/2003

**SB 16**, introduced by Mangan

**SB 95**, introduced by Stonington

**SB 142**, introduced by McNutt

**SB 145**, introduced by Bohlinger

**SB 173**, introduced by McNutt

**SB 257**, introduced by Cooney

**MESSAGES FROM THE GOVERNOR**

January 31, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 1** sponsored by Representative Lewis on January 31, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 496**, introduced by Becker, Harris, Newman, referred to Judiciary.

**HB 497**, introduced by Mendenhall, Grimes, Laszloffy, Sinrud, referred to Local Government.

**HB 498**, introduced by Wanzenried, Becker, Bixby, Bohlinger, Branae, Buzzas, Carney, Cobb, Cohenour, Cyr,

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Dowell, Ellingson, Erickson, Franklin, Gallik, Gillan, Jacobson, Jayne, Juneau, Keane, Laslovich, Lenhart, Lindeen, Newman, Parker, Raser, Smith, Squires, Toole, Wilson, referred to Federal Relations, Energy, and Telecommunications.

**HB 499**, introduced by Franklin, referred to State Administration.

**HB 500**, introduced by Dowell, Bohlinger, Glaser, Golie, Haines, Harris, Laslovich, Mangan, Younkin, referred to Judiciary.

**HB 501**, introduced by Noennig, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 13**, introduced by Mahlum (by request of the Department of Transportation), referred to Judiciary.

Majority Leader Brown moved that the House recess until 9:45 a.m. for caucuses. Motion carried.

House recessed at 9:25 a.m.

House reconvened at 9:45 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 14** - Representative Shockley moved **HB 14** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gillan, Golie, Haines, Harris, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, McKenney, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Noennig, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Windy Boy, Witt.

Total 45

Voted Absentee: Bitney, Everett, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 20** - Representative Golie moved **HB 20** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Andersen, Bookout-Reinicke, E. Clark, Devlin, Erickson, Fisher, Jayne, A. Olson, Ripley, Ross, Steinbeisser, Stoker.

Total 12

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** - Representative Hurwitz moved **HB 30** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: D. Brown, Fuchs, Wanzenried.

Total 3

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

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**HB 32** - Representative Golie moved **HB 32** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Cyr, Erickson, Gallik, Gutsche, Harris, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Small-Eastman, Wanzenried, Wilson, Windy Boy.

Total 15

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Franklin.

Total 2

**HB 71** - Representative Waitschies moved **HB 71** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Forrester, Jayne, Laslovich, Lewis, Pattison, Ripley, Witt.

Total 8

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Jackson moved **HB 80** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R.

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Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Becker, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Kaufmann, Keane, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 23

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**HB 87** - Representative Jent moved **HB 87** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 114** - Representative Jent moved **HB 114** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Sales.  
Total 2

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Franklin.  
Total 2

**HB 115** - Representative Bookout-Reinicke moved **HB 115** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 93

Noes: Brueggeman, Fuchs, Kasten, Pattison, Mr. Speaker.  
Total 5

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lewis, Shockley.  
Total 2

**HB 135** - Representative Andersen moved **HB 135** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson,

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Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Brueggeman, Pattison, Sales, Sinrud, Small-Eastman.

Total 6

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 137** - Representative Lange moved **HB 137** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 143** - Representative Lambert moved **HB 143** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.

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Speaker.  
Total 97

Noes: Gallik.  
Total 1

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin, Ryan.  
Total 2

**HB 154** - Representative Lenhart moved **HB 154** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bitney, Buzzas, Everett, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Lindeen excused at this time.

**HB 155** - Representative Jent moved **HB 155** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman,



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Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**HB 195** - Representative Younkin moved **HB 195** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Fisher, Fuchs, Jayne, Juneau, Lambert, Rice, Ryan, Witt.

Total 9

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Maedje, Sales.

Total 2

**HB 213** - Representative Gallik moved **HB 213** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 220** - Representative Laszloffy moved **HB 220** do pass.

Representative Laszloffy moved **HB 220**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Following:** "ENTITY"

**Insert:** "OR GOVERNMENTAL AGENCY"

2. Page 8, line 25.

**Strike:** "court"

**Insert:** "department of corrections"

3. Page 8, line 26.

**Following:** "shall"

**Insert:** ", pursuant to an agreement made under 46-18-241,"

4. Page 8, line 28.

**Following:** "victim."

**Insert:** "The department of revenue may charge the department of corrections a fee to recover its costs of intercepting a tax refund. The fee may not exceed the amount charged a state agency for debt collection services under Title 17, chapter 4."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Jayne, Small-Eastman.

Total 3

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Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Motion that **HB 220**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Jayne, Juneau, Small-Eastman.  
Total 4

Voted Absentee: Bitney, Buzzas, Everett, Lindeen, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 223** - Representative Lawson moved **HB 223** do pass.

Representative Lawson moved **HB 223**, second reading copy, be amended as follows :

1. Title, page 1, line 7 through line 8.

**Strike:** "PROHIBITING" on line 7 through "GOVERNMENT;" on line 8

2. Page 4, line 28 through page 5, line 2.

**Strike:** "(5)" on page 4, line 28 through "GOVERNMENT." on page 5, line 2

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, McKenney, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 51

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Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Mr. Speaker.  
Total 45

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: None.  
Total 0

Representative Harris moved **HB 223**, second reading copy, be further amended as follows :

1. Page 4, line 11 through line 24.

**Strike:** subsections (1) through (3) in their entirety

**Insert:** "(1) State land may be sold to any person who is 18 years of age or older or any governmental or private entity including tribal governments as defined in 18-11-102."

**Renumber:** subsequent subsections

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.  
Total 72

Noes: Andersen, D. Brown, E. Clark, Devlin, Fuchs, Jackson, Kasten, Lake, Lange, Lewis, Malcolm, Pattison, Rice, Ripley, Rome, Sales, Sinrud, Waitschies, Windy Boy, Witt.  
Total 20

Voted Absentee: Peterson, Aye.

Excused: Bitney, Buzzas, Everett, Lindeen.  
Total 4

Absent or not voting: Balyeat, R. Brown, Shockley, Wagman.  
Total 4

Motion that **HB 223**, as amended, do pass.

Representative Branae excused at this time.

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Representative Kasten moved consideration of **HB 223** be passed for the day. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Callahan, E. Clark, Devlin, Fisher, Forrester, Fuchs, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 51

Noes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson.

Total 41

Excused: Bitney, Branae, Buzzas, Everett, Lindeen, Peterson.

Total 6

Absent or not voting: Brueggeman, Mr. Speaker.

Total 2

**HB 237** - Representative Brueggeman moved **HB 237** do pass.

Representative Balyeat moved **HB 237**, second reading copy, be amended as follows :

1. Title, line 4.

**Strike:** "REQUIRING" through "WITH"

**Insert:** "PROHIBITING A PERSON FROM USING"

2. Title, line 5.

**Strike:** "TO HAVE"

**Insert:** "ON A COMMERCIAL MOTOR VEHICLE UNLESS IT HAS"

3. Page 1, lines 10 and 11.

**Strike:** "COMMERCIAL" on line 10 through "with" on line 11

**Insert:** "person may not use"

4. Page 1, line 11.

**Strike:** "must be"

**Insert:** "while operating a commercial motor vehicle, as defined in 61-1-134, unless the vehicle is"

Amendment **not** adopted as follows:

Ayes: Balyeat, R. Brown, Dowell, Fuchs, Gallik, Golie, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Shockley, Sinrud, Smith, Wagman, Younkin.

Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, Brueggeman,

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Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 65

Voted Absentee: Peterson, Aye.

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen.  
Total 7

Absent or not voting: Mr. Speaker.  
Total 1

Representatives Forrester and Gillan excused at this time.

Motion that **HB 237** do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Younkin, Mr. Speaker.  
Total 69

Noes: Ballantyne, Balyeat, Bergren, R. Brown, Buzzas, Callahan, P. Clark, Dickenson, Forrester, Franklin, Fuchs, Gillan, Golie, Hawk, Jackson, Jayne, Kasten, Keane, Laslovich, Maedje, Pattison, Rice, Ryan, Sales, Shockley, Sinrud, Smith, Wagman, Wilson, Windy Boy, Witt.  
Total 31

Voted Absentee: Bitney, Branae, Everett, Lindeen, Peterson, Ayes; Buzzas, Forrester, Gillan, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 240** - Representative Shockley moved **HB 240** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud,

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Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Gallus.

Total 1

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 250** - Representative Morgan moved **HB 250** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**HB 251** - Representative Balyeat moved **HB 251** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, P. Clark, Cohenour, Cyr, Dickenson, Everett, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Keane, Laslovich, Lehman, Lewis, Lindeen, Malcolm, Mendenhall, Morgan, Newman, Pattison, Peterson, Rice, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Waitschies, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 51

Noes: Andersen, Bergren, R. Brown, Buzzas, Callahan, Carney, E. Clark, Devlin, Dowell, Erickson, Facey, Fisher,

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Fritz, Galvin-Halcro, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Maedje, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Witt.

Total 49

Voted Absentee: Bitney, Branae, Everett, Forrester, Gillan, Lindeen, Peterson, Ayes; Buzzas, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Weiss excused at this time.

**HB 259** - Representative Maedje moved **HB 259** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: P. Clark, Dickenson, Erickson, Fisher, Franklin, Gutsche, Haines, Jayne, Kaufmann, Lawson, Newman, Wanzenried.

Total 12

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 266** - Representative Jacobson moved **HB 266** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, B. Olson, Peterson, Raser, Roberts, Ryan, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 68



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Noes: Andersen, Balyeat, Barrett, Bergren, E. Clark, Devlin, Fisher, Fuchs, Haines, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lawson, Lehman, McKenney, Morgan, Noennig, A. Olson, Parker, Pattison, Rice, Ripley, Rome, Ross, Sales, Small-Eastman, Smith, Waitschies, Witt.  
Total 32

Voted Absentee: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 280** - Representative R. Brown moved consideration of **HB 280** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Raser moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 82

Noes: Cyr, Fuchs, Golie, Jayne, Ryan, Smith, Windy Boy.  
Total 7

Excused: Bitney, Branae, Buzzas, Everett, Forrester, Gillan, Lindeen, Peterson, Weiss.  
Total 9

Absent or not voting: Gallus, Witt.  
Total 2

**MOTIONS**

Representative R. Brown moved **HB 497** be taken from the Committee on Local Government and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 6**: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney,

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Mendenhall, Mood, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, February 3, 2003. Motion carried.

House adjourned at 1:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 8, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Keane. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, Forrester, Galvin-Halcro, Morgan, B. Ryan, Schrumpf, and Small-Eastman, excused. Quorum present.

Representative Cohenour introduced her daughter, the honorary page for the day:

Taylor Cohenour, East Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

Correctly printed: **HB 339, HB 377.**

2/6/2003

Correctly engrossed: **HB 201, HB 206, HB 270, HB 448, HB 480.**

2/7/2003

Signed by the Speaker at 3:40 p.m., February 7, 2003: **HB 53.**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/7/2003

**HB 384**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "33-30-102,"

2. Page 1, line 22.

**Following:** the first "project"

**Insert:** "-- criteria -- rulemaking"

3. Page 1, line 24.

**Following:** "plan."

**Insert:** "The criteria for approval of a 12-month demonstration project include but are not limited to the following:

(a) the plan must include significant outpatient services and may not consist of inpatient benefits only;

(b) the plan may be offered only to residents of Montana who have been uninsured for 90 days or longer; and

(c) the commissioner may adopt rules that describe additional criteria to be used to determine approval of demonstration projects. Additional criteria must relate to the purpose as stated in [section 1(2)]."

4. Page 1, line 27.

**Following:** "(3)."

**Insert:** "The limitations and exclusions of the plan must be prominently displayed on the application and on the outline of coverage required by 33-22-244."

5. Page 2, line 1.

**Following:** "33-31-301(3)(e)"

**Insert:** ", which may be subject only to the same extent of the limitations and exclusions contained in the parent's policy"

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6. Page 2, line 14.

**Strike:** "and"

7. Page 2, line 16.

**Following:** "assurance"

**Insert:** "; and

(d) all other applicable provisions of Title 33, except those listed in subsection (3)"

8. Page 4, line 28 through page 5, line 6.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 507**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

2/7/2003

**HB 97**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "\$75"

**Insert:** "\$50"

2. Page 1, line 16.

**Strike:** "\$75"

**Insert:** "\$50"

And, as amended, do pass. Report adopted.

**HB 129**, do pass. Report adopted.

**HB 372**, do pass. Report adopted.

**HB 396**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 17

**Insert:** "(7) The department may develop an adult hunter education course."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/7/2003

**HB 61**, do pass. Report adopted.

**HB 478**, introduced bill, be amended as follows:

1. Page 3, line 22.

**Following:** "61-5-217"

**Insert:** ", except that a provisional, restricted, or probationary license may be issued"

2. Page 4, line 4.

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**Strike:** "(6)"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):  
**HB 194**, introduced bill, be amended as follows:

2/7/2003

1. Title, page 1, line 8.

**Following:** ";;"

**Insert:** "SPECIFYING THE REINSTATEMENT APPLICATION PROCESS FOR LIMITED PARTNERSHIPS;"

2. Title, page 1, line 19.

**Strike:** "AND"

**Insert:** "35-12-606, 35-12-611, 35-12-612,"

**Following:** "35-12-1302,"

**Insert:** "AND 35-12-1303,"

3. Page 1.

**Following:** line 26

**Insert:** "NEW SECTION. Section 2. Reinstatement following cancellation for failure to renew. (1) If a certificate of limited partnership was canceled under 35-12-610 for failure to renew, an application for reinstatement of the original certificate may be made to the secretary of state within 5 years after the effective date of the cancellation.

(2) The application must:

(a) state the name of the limited partnership and the date its certificate of limited partnership was canceled;

(b) state that the limited partnership's name satisfies the requirements of 35-12-505; and

(c) include the information required in 35-12-601.

(3) If the secretary of state determines that the information provided is sufficient and correct, the secretary of state shall reinstate the certificate of limited partnership and send confirmation to the limited partnership.

(4) When reinstated under this section, the certificate of limited partnership becomes effective as if it had not been canceled."

**Renumber:** subsequent sections

4. Page 2, line 28.

**Following:** "complete"

**Insert:** "business"

5. Page 9, line 26.

**Following:** ";;"

**Insert:** "the address of its current registered office;"

6. Page 9, line 27.

**Following:** "(c)"

**Insert:** "(c)"

**Following:** ";;"

**Insert:** "and"

7. Page 9, line 28.

**Strike:** "(c)" through ";; and"

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8. Page 12, line 19.

**Strike:** "and"

9. Page 12, line 21.

**Following:** "paid"

**Insert:** "; and"

(e) include all annual reports not yet filed with the secretary of state"

10. Page 13.

**Following:** line 10

**Insert:** "Section 18. Section 35-12-606, MCA, is amended to read:

**"35-12-606. Filing in the office of the secretary of state.** (1) ~~One original and one copy of the~~ The certificate of limited partnership and of any certificates of amendment, restatement, or cancellation or of any judicial decree of amendment, restatement, or cancellation must be delivered to the secretary of state. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of the person's authority as a prerequisite to filing. Unless the secretary of state finds that any certificate does not conform to law, upon receipt of all filing fees required by law the secretary of state shall:

- (a) endorse on the ~~original and the copy~~ document the word "filed" and the day, month, and year of the filing;
- (b) file the original in the secretary of state's office; and
- (c) return the copy to the person who filed it or the person's representative.

(2) Upon the filing of a certificate of amendment, restatement, or judicial decree of amendment in the office of the secretary of state, the certificate of limited partnership is amended or restated as set forth in the certificate. Upon the effective date of a certificate of cancellation or a judicial decree of cancellation, the certificate of limited partnership is canceled.""

**Insert:** "Section 19. Section 35-12-611, MCA, is amended to read:

**"35-12-611. Application for renewal of certification.** ~~One original and one copy of an~~ The application for renewal of certification of a limited partnership must be executed and delivered to the secretary of state. The application must include but is not limited to the information required by 35-12-601.""

**Insert:** "Section 20. Section 35-12-612, MCA, is amended to read:

**"35-12-612. Filing of application for renewal of certification -- issuance of certificate.** (1) If the secretary of state finds that the application for renewal of certification of a limited partnership complies with the provisions of this part, ~~he~~ the secretary of state shall, when all fees have been paid as provided by rule:

- (a) endorse on the ~~original and on the copy~~ application the word "filed" and the month, day, and year of filing;
- (b) file the original ~~in his office~~; and
- (c) issue a ~~certificate of renewal, to which he shall affix the copy~~ certification letter.

(2) The secretary of state shall return to the general partner or partners submitting the application the ~~certificate of renewal, together with an attached copy of the application for renewal of certification of a limited partnership~~ certification letter.""

**Renumber:** subsequent section

11. Page 14.

**Following:** line 2

**Insert:** "Section 22. Section 35-12-1303, MCA, is amended to read:

**"35-12-1303. Issuance of registration.** (1) If the secretary of state finds that an application for registration conforms to law and all requisite fees have been paid, ~~he~~ the secretary of state shall:

- (a) endorse on the application the word "filed" and the month, day, and year ~~of the filing thereof~~ of application was filed;

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(b) file ~~in his office~~ the original of the application; and  
(c) issue a certificate of registration to transact business in this state.  
(2) The certificate of registration, ~~together with a copy of the application,~~ must be returned to the person who filed the application or ~~his~~ the person's representative.""

12. Page 14, line 4.

**Following:** "instruction."

**Insert:** "(1)"

13. Page 14.

**Following:** line 5

**Insert:** "(2) [Section 2] is intended to be codified as an integral part of Title 35, chapter 12, part 6, and the provisions of Title 35, chapter 12, part 6, apply to [section 2]."

And, as amended, do pass. Report adopted.

**HB 269**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "PROVIDING" on line 4 through "," on line 5

2. Title, page 1, lines 6 through 7.

**Strike:** "ALLOWING" on line 6 through "AND" on line 7

**Strike:** "OTHER" on line 7

3. Title, page 1, line 10.

**Strike:** "ELIMINATING"

**Insert:** "REVISING"

4. Title, page 1, line 11.

**Following:** "PROTECTION"

**Insert:** "AND HAZARDOUS MATERIALS STORAGE"

**Following:** "BUILDINGS AND"

**Insert:** "ELIMINATING"

5. Title, page 1, line 12.

**Following:** "SECTIONS"

**Insert:** "2-17-112,"

6. Title, page 1, line 14.

**Strike:** "2-17-112,"

**Following:** "50-61-112"

**Strike:** ", "

7. Page 1, line 18.

**Insert:** "**Section 1.** Section 2-17-112, MCA, is amended to read:

**"2-17-112. Fire protection for state-owned buildings -- department of administration -- state fire prevention and investigation program.** (†) The department of administration shall obtain information necessary to prepare a budget for each biennium for fire protection services for state-owned buildings that present particular

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firefighting and hazardous materials storage problems ~~as determined by the state fire prevention and investigation program of the department of justice~~. In preparing the budget, the state may consider providing protection directly or contracting for protection with a local fire service and making payments to local governments for fire services provided to state agencies, all of which are subject to appropriation by the legislature.

~~(2) The department of justice shall review provisions for protection of state-owned buildings in connection with inspections conducted under 50-3-102."~~

**Renumber:** subsequent sections

8. Page 1, line 22.

**Strike:** "its" through "investigation"

9. Page 2, line 2 through line 3.

**Strike:** "as often" on line 2 through "allow," on line 3

10. Page 3, line 11.

**Strike:** subsection (f) in its entirety

**Renumber:** subsequent subsections

11. Page 3, line 17.

**Strike:** subsection (h) in its entirety

**Renumber:** subsequent subsections

12. Page 8, line 24 through line 25.

**Strike:** "as budget" on line 24 through "allow and" on line 25

13. Page 9, line 12.

**Strike:** "2-17-112,"

**Following:** "50-61-112"

**Strike:** ", "

And, as amended, do pass. Report adopted.

**HB 305**, do pass. Report adopted.

**HB 450**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "SECTIONS 15-1-121 AND"

**Insert:** "SECTION"

2. Page 1, line 9 through page 7, line 21.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 8, line 14.

**Strike:** "\$34.75"

**Insert:** "\$30"

4. Page 9, line 14 through line 15.

**Following:** "(1)(j)"



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**Strike:** remainder of line 14 through "subsection (1)(l)" on line 15

And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):  
**HB 391**, do pass. Report adopted.

2/7/2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/7/2003

**SB 54**, introduced by Bohlinger  
**SB 120**, introduced by Glaser

**House bills** concurred in and returned to the House:

2/7/2003

**HB 23**, introduced by Matthews  
**HB 35**, introduced by Jacobson  
**HB 44**, introduced by Smith  
**HB 167**, introduced by Schrumpf

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 550**, introduced by B. Ryan, Bergren, Elliott, Erickson, Jacobson, Lambert, Lindeen, A. Olson, Squires, Tester, Wagman, referred to State Administration.

**HB 551**, introduced by B. Ryan, Bergren, Elliott, Erickson, Jacobson, Lambert, Lindeen, A. Olson, Squires, Tester, Wagman, referred to State Administration.

**HB 552**, introduced by B. Ryan, referred to State Administration.

**HB 553**, introduced by Gallik, Ballantyne, Becker, Branae, Buzzas, Callahan, Carney, Cohenour, Cooney, Cyr, Dowell, Ellingson, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harrington, Harris, Jacobson, Jent, Keane, Laslovich, Lawson, Mendenhall, Musgrove, Pease, Raser, D. Ryan, Schmidt, Small-Eastman, Tester, Toole, Wanzonried, Weiss, Wilson, referred to Judiciary.

**HB 554**, introduced by Kasten (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Appropriations.

**HB 555**, introduced by Bitney, referred to Business and Labor.

**HB 556**, introduced by Gallik, Cooney, referred to Transportation.

**HB 557**, introduced by Andersen, referred to Human Services.

**HB 558**, introduced by D. Brown, Keane, referred to Fish, Wildlife and Parks.

**HB 559**, introduced by Gallus, Bergren, R. Brown, Brueggeman, Franklin, Forrester, Gallik, Jacobson, Kaufmann, Keane, Lenhart, Newman, Parker, B. Ryan, Smith, Wilson, referred to Transportation.

**HB 560**, introduced by Kaufmann, Buzzas, Cooney, Franklin, Harrington, Tester, Toole, referred to Appropriations.

**HB 561**, introduced by Bitney, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:12 a.m.

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House reconvened at 8:30 a.m.

**MOTIONS**

Representative R. Brown moved **HB 379** be taken from third reading and be rereferred to the Committee on Agriculture. The motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Noes: Ballantyne, Becker, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.

Total 41

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schruppf, Small-Eastman.

Total 7

Absent or not voting: Buzzas.

Total 1

Representative Jent stated that the vote on **HB 379** according to rule 40-80 (1) requires a 3/5 vote.

The Speaker said the vote was correct according to rule 50-150 (6). Representative Jent challenged this ruling.

The Speaker called for a meeting of the Rules Committee.

The Rules Committee upheld the ruling of the Chair. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 198** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 92

Noes: None.

Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: Pattison.

Total 1

**HB 211** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 80

Noes: Everett, Hawk, Kasten, Laslovich, Maedje, Peterson, Rice, Ripley, Rome, Sales, Wagman, Witt, Mr. Speaker.

Total 13

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: None.

Total 0

**HB 247** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 77

Noes: D. Brown, Fisher, Fuchs, Hawk, Kasten, Lawson, McKenney, Mendenhall, Rice, Roberts, Sales, Thomas, Wagman, Witt, Mr. Speaker.

Total 15

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

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Absent or not voting: Malcolm.  
Total 1

**HB 252** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.  
Total 7

Absent or not voting: None.  
Total 0

**HB 253** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: R. Brown, Gallus.  
Total 2

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.  
Total 7

Absent or not voting: Haines, Stoker.  
Total 2

**HB 272** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 63

Noes: Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hedges, Jackson, Kasten, Lange, Laszloffy, Lawson, Lewis, Malcolm, McKenney, B. Olson, Pattison, Peterson, Rome, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt.

Total 30

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: None.

Total 0

**HB 292** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: None.

Total 0

**HB 308** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

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Noes: None.  
Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.  
Total 7

Absent or not voting: Lambert.  
Total 1

**HB 364** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.  
Total 7

Absent or not voting: None.  
Total 0

**HB 392** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.  
Total 7

Absent or not voting: None.

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Total 0

**HB 410** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Callahan, Gallik, Golie, Jayne, Juneau, Lindeen.

Total 6

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: Stoker.

Total 1

**HJR 9** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: Fuchs.

Total 1

**HJR 13** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines,

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Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman.

Total 7

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 178** - Representative Fritz moved **HB 178** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Dowell, Sinrud, Waitschies.

Total 3

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 17** - Representative Newman moved **HB 17** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Wagman.  
Total 1

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 55** - Representative Facey moved **HB 55** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 101** - Representative Jent moved **HB 101** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Schrumpf, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gallus, Gillan.  
Total 2

**HB 351** - Representative Lange moved **HB 351** do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Maedje, Malcolm, Mendenhall, Musgrove, Newman, Parker, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 54

Voted Absentee: Morgan, Schrumpf, Ayes; Bixby, Forrester, Galvin-Halcro, Ryan, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Schrumpf present at this time.

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**HB 152** - Representative Fisher moved **HB 152** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 158** - Representative Haines moved **HB 158** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

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**HB 203** - Representative A. Olson moved **HB 203** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Bixby, Facey, Forrester, Galvin-Halcro, Raser, Ryan, Small-Eastman.

Total 7

Voted Absentee: Morgan, Aye; Bixby, Forrester, Galvin-Halcro, Ryan, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: Fuchs, Harris.

Total 2

**HB 226** - Representative R. Brown moved consideration of **HB 226** be passed for the day. Motion carried.

**HB 264** - Representative Gibson moved **HB 264** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Raser, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 76

Noes: Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fisher, Haines, Jackson, Kasten, Lambert, Lange, Lewis, Malcolm, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Sales, Shockley, Thomas, Witt.

Total 23

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

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**HB 284** - Representative Gillan moved **HB 284** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Barrett, D. Brown, Jayne, Malcolm, Rice.

Total 5

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 293** - Representative Smith moved **HB 293** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sinrud.

Total 1

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Laslovich assumed the chair.

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**HB 304** - Representative A. Olson moved **HB 304** do pass.

Representative Gallus moved for cloture. Motion carried.

Motion that **HB 304** do pass carried as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Ballantyne, Balyeat, Becker, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Weiss, Windy Boy.

Total 36

Voted Absentee: Morgan, Aye; Bixby, Forrester, Galvin-Halcro, Ryan, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Lindeen reassumed the chair.

**HB 325** - Representative Witt moved **HB 325** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 326** - Representative Newman moved **HB 326** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 333** - Representative Waitschies moved **HB 333** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 350** - Representative Cohenour moved **HB 350** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 353** - Representative Laszloffy moved **HB 353** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 369** - Representative Younkin moved **HB 369** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hedges, Hurwitz, Jackson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Noes: Balyeat, R. Brown, Buzzas, Dowell, Fuchs, Gallus, Gutsche, Harris, Hawk, Jacobson, Jayne, Juneau, Kasten, Maedje, Malcolm, Mendenhall, Pattison, Rice, Ripley, Sales, Sinrud, Witt.

Total 22

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 385** - Representative Fritz moved **HB 385** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 414** - Representative Balyeat moved **HB 414** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Erickson, Sinrud.  
Total 2

Voted Absentee: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Franklin, Fritz, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Facey, Fuchs, Golie, Gutsche, Jayne.  
Total 5

Excused: Bixby, Forrester, Galvin-Halcro, Morgan, Ryan, Small-Eastman.  
Total 6

Absent or not voting: Gibson, Gillan, Harris, Lehman, Steinbeisser.  
Total 5

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**SPECIAL ORDERS OF THE DAY**

The Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Callahan.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, February 10, 2003. Motion carried.

House adjourned at 11:40 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 10, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Galvin-Halcro, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-fourth and twenty-fifth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Mr. Speaker introduced the pages of the week:

Pat Carlisle, Billings  
Tierney Dowling, Billings  
David Gregory, Kalispell  
Erica Palmer, Missoula  
Kiera Peterson, Havre  
Alison Reidmohr, Helena  
Megan Stewart, Bozeman  
Spencer Turner, Forsyth  
Christy Gallagher, Anaconda

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:30 p.m.

**BILLS** (Bookout-Reinicke, Chairman):

2/10/2003

Correctly printed: **HB 61, HB 129, HB 305, HB 372, HB 391, HB 507.**

Correctly engrossed: **HB 56, HB 97, HB 194, HB 269, HB 384, HB 396, HB 400, HB 450, HB 478.**

Correctly enrolled: **HB 23, HB 35, HB 43, HB 44, HB 102, HB 167, HB 232.**

Examined by the sponsor and found to be correct: **HB 23, HB 35, HB 43, HB 44, HB 102, HB 167, HB 232.**

Signed by the Speaker at 2:40 p.m., February 10, 2003: **HB 23, HB 35, HB 43, HB 44, HB 102, HB 167, HB 232.**

Delivered to the Governor for approval at 9:25 a.m., February 10, 2003: **HB 16, HB 25, HB 34, HB 38, HB 39, HB 46, HB 48, HB 53, HB 68, HB 69, HB 78, HB 84, HB 106, HB 132, HB 162.**

**EDUCATION** (Andersen, Chairman):

2/10/2003

**HB 400**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ALLOWING"

**Insert:** "REQUIRING"

**Following:** "TO"

**Strike:** "CANCEL A SPECIAL"

**Insert:** "ADOPT A POLICY ESTABLISHING PROCEDURES FOR CANCELING A REGULAR OR SPECIAL

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TRUSTEE"

**Following:** "MEETING"

**Strike:** "ONLY" through "CANCELLATION"

**Insert:** "; REQUIRING THE POLICY TO INCLUDE PROCEDURES AND TIMELINES FOR NOTIFYING VOTING AND NONVOTING TRUSTEES AND MEMBERS OF THE PUBLIC"

2. Page 1, line 17.

**Following:** "shall"

**Insert:** ":

(a) adopt a written policy establishing procedures for canceling a regular or special trustee meeting called pursuant to subsection (1) or (3), including but not limited to procedures and timelines for notifying voting and, if applicable, nonvoting trustee members and for notifying members of the public, which must include, at a minimum, a written notice posted conspicuously at the entrance of the meeting place; and

(b)"

3. Page 1, line 21.

**Strike:** "(a)"

4. Page 1, line 24 through line 26.

**Strike:** subsection (b) in its entirety

And, as amended, be adopted. Report adopted.

**HJR 10**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/10/2003

**HB 56**, introduced bill, be amended as follows:

1. Title, lines 5 through 8.

**Following:** "PROVIDING"

**Strike:** remainder of line 5 through "AT" on line 7

**Insert:** "FOR INVOLUNTARY COMMITMENT TO"

**Following:** "CENTER" on line 7

**Strike:** "AND" on line 7 through "REFUSE" on line 8

**Following:** ";" on line 8

**Insert:** "PROVIDING FOR DIRECT ADMISSION TO THE MONTANA MENTAL HEALTH NURSING CARE CENTER UNDER CERTAIN CONDITIONS; AND"

2. Title, line 8.

**Following:** "SECTIONS"

**Insert:** "53-21-127, 53-21-128, AND"

**Following:** "53-21-414"

**Strike:** "AND 72-5-321"

**Following:** "MCA"

**Strike:** remainder of line 8 through "DATE" on line 9

3. Page 1, line 12.

**Insert:** "**Section 1.** Section 53-21-127, MCA, is amended to read:

"**53-21-127. Posttrial disposition.** (1) If, upon trial, it is determined that the respondent is not suffering

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from a mental disorder or does not require commitment within the meaning of this part, the respondent must be discharged and the petition dismissed.

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

- (a) commit the respondent to the state hospital for a period of not more than 3 months; ~~or~~
- (b) commit the respondent to a community facility or program or to any appropriate course of treatment, which may include housing or residential requirements, for a period of not more than 6 months; ~~or~~
- (c) commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months, if the following conditions are met:
  - (i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in administrative rules of the department; and
  - (ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent or the public or to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.

(7) Satisfaction of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely upon the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility or program or an appropriate course of treatment as provided in subsection (3)(b), and may not require commitment at the state hospital ~~or the Montana mental health nursing care center.~~

(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:

- (a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;
- (b) the alternatives for treatment that were considered;
- (c) the alternatives available for treatment of the respondent;
- (d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;
- (e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;
- (f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;

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(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission; and

~~(g)~~(h) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives.""

**Insert: "Section 2.** Section 53-21-128, MCA, is amended to read:

**"53-21-128. Petition for extension of commitment period.** (1) (a) Not less than 2 calendar weeks prior to the end of the 3-month period of commitment to the state hospital or the Montana mental health nursing care center or the period of commitment to a community facility or program or a course of treatment provided for in 53-21-127, the professional person in charge of the patient at the place of commitment may petition the district court in the county where the patient is committed for extension of the commitment period unless otherwise ordered by the original committing court. The petition must be accompanied by a written report and evaluation of the patient's mental and physical condition. The report must describe any tests and evaluation devices that have been employed in evaluating the patient, the course of treatment that was undertaken for the patient, and the future course of treatment anticipated by the professional person.

(b) Upon the filing of the petition, the court shall give written notice of the filing of the petition to the patient, the patient's next of kin, if reasonably available, the friend of respondent appointed by the court, and the patient's counsel. If any person notified requests a hearing prior to the termination of the previous commitment authority, the court shall immediately set a time and place for a hearing on a date not more than 10 days from the receipt of the request and notify the same people, including the professional person in charge of the patient. If a hearing is not requested, the court shall enter an order of commitment for a period not to exceed 6 months.

(c) Procedure on the petition for extension when a hearing has been requested must be the same in all respects as the procedure on the petition for the original 3-month commitment except the patient is not entitled to trial by jury. The hearing must be held in the district court having jurisdiction over the facility in which the patient is detained unless otherwise ordered by the court. Court costs and witness fees, if any, must be paid by the county that paid the same costs in the initial commitment proceedings.

(d) If upon the hearing the court finds the patient not to be suffering from a mental disorder and requiring commitment within the meaning of this part, the patient must be discharged and the petition dismissed. If the court finds that the patient continues to suffer from a mental disorder and to require commitment, the court shall order commitment as set forth in 53-21-127(3). However, an order may not affect the patient's custody for more than 6 months. In its order, the court shall describe what alternatives for treatment of the patient are available, what alternatives were investigated, and why the investigated alternatives were not found suitable. The court may not order continuation of an alternative that does not include a comprehensive, individualized plan of treatment for the patient. A court order for the continuation of an alternative must include a specific finding that a comprehensive, individualized plan of treatment exists.

(2) Prior to the end of the period of commitment to a community facility or program or course of treatment, a respondent may request that the treating provider petition the district court for an extension of the commitment order. The petition must be accompanied by a written report and evaluation of the respondent's mental and physical condition, an updated treatment plan, and a written statement by the respondent that an extension is desired. The extension procedure must follow the procedure required in subsections (1)(b) through (1)(d).

(3) Further extensions under subsection (1) or (2) may be obtained under the same procedure described in subsection (1). However, the patient's custody may not be affected for more than 1 year without a renewal of the commitment under the procedures set forth in subsection (1), including a statement of the findings required by subsection (1).""

**Renumber:** subsequent sections

4. Page 1, line 16.

**Following:** "and"

**Strike:** remainder of line 16 through "guardian" on line 17

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**Insert:** "by involuntary commitment pursuant to 53-21-127(3)(c)"

5. Page 1, line 29 through page 4, line 5.

**Strike:** sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/8/2003

**SB 122**, introduced by Tash

**SB 166**, introduced by Bales

**SB 220**, introduced by F. Thomas

**SB 232**, introduced by Mahlum

**SB 244**, introduced by Story

**SB 262**, introduced by Perry

**Senate joint resolution** passed and transmitted to the House for concurrence: 2/8/2003

**SJR 4**, introduced by Elliott

**House bills** concurred in and returned to the House: 2/8/2003

**HB 43**, introduced by Cohenour

**HB 102**, introduced by Cohenour

**HB 232**, introduced by Devlin

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 562**, introduced by Ballantyne, referred to Federal Relations, Energy, and Telecommunications.

**HB 563**, introduced by Laszloffy, Stapleton, referred to State Administration.

**HB 564**, introduced by Lindeen, Ballantyne, Becker, Bergren, Black, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Cocchiarella, Cohenour, Cyr, DePratu, Dickenson, Dowell, Facey, Franklin, Gibson, Gillan, Golie, Johnson, Juneau, Kaufmann, Keane, Keenan, Laslovich, Laszloffy, Mahlum, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Pattison, Raser, Ripley, Sinrud, Story, Tester, F. Thomas, Wanzenried, Weiss, Wilson, referred to Business and Labor.

**HB 565**, introduced by Raser, Everett, referred to Natural Resources.

**HB 566**, introduced by Mendenhall, McNutt, A. Olson, referred to Transportation.

**HB 567**, introduced by Golie, Becker, Bergren, Branae, Callahan, Carney, Cyr, Dickenson, Dowell, Elliott, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gibson, Gillan, Gutsche, Harris, Jacobson, Keane, Lake, Laslovich, Matthews, Musgrove, Parker, B. Ryan, Shea, Weiss, Wheat, referred to Appropriations.

**HB 568**, introduced by Rice, Laszloffy, Sales, B. Thomas, referred to Taxation.

**HB 569**, introduced by Gutsche, Harris, referred to Human Services.

**HB 570**, introduced by Gutsche, referred to Federal Relations, Energy, and Telecommunications.

**HB 571**, introduced by Parker, Gallik, Harris, Keane, B. Ryan, referred to Judiciary.



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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 226** - Representative Gillan moved **HB 226** do pass.

**HB 226** - Representative Gillan moved **HB 226**, second reading copy, be amended as follows :

1. Title, line 6.

**Strike:** "UNDER 16 YEARS OF AGE"

2. Page 1, line 19.

**Following:** "older"

**Insert:** "or, if operating a motorcycle or quadricycle, under the immediate and proximate supervision of a licensed driver or rider who is 21 years of age or older"

3. Page 2, line 19.

**Following:** "under"

**Strike:** "16"

**Insert:** "18"

4. Page 2, line 22.

**Strike:** "or"

5. Page 2, line 24.

**Following:** " ;"

**Insert:** "or"

(c) the person is at least 16 years of age and has held an instruction permit or a traffic education learner license for at least 3 months;"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Jayne, Sinrud.

Total 2

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Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Bitney, McKenney.  
Total 2

Motion that **HB 226**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 81

Noes: Barrett, Everett, Gallus, Hawk, Hurwitz, Jayne, Lambert, Laszloffy, Maedje, Rice, Ripley, Rome, Ryan, Sales, Shockley, Sinrud, Wagman, Witt.  
Total 18

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

**HB 201** - Representative Jent moved **HB 201** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 206** - Representative Younkin moved **HB 206** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 70

Noes: Balyeat, Barrett, D. Brown, Brueggeman, P. Clark, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Galvin-Halcro, Hawk, Jayne, Juneau, Kasten, Lehman, Lewis, Lindeen, Malcolm, Pattison, Rice, Roberts, Sales, Shockley, Sinrud, Wanzenried, Weiss, Witt.  
Total 29

Voted Absentee: Galvin-Halcro, No.

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**HB 303** - Representative A. Olson moved **HB 303** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, Carney, Erickson, Facey, Gallus, Galvin-Halcro, Gutsche.  
Total 7

Voted Absentee: Galvin-Halcro, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 331** - Representative R. Brown moved consideration of **HB 331** be passed for the day. Motion carried.

**HB 378** - Representative Small-Eastman moved **HB 378** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Hawk, Thomas, Wagman.  
Total 4

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Lehman, Maedje.  
Total 2

**HB 420** - Representative Lake moved **HB 420** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Haines, Harris, Hawk, Hedges, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 76

Noes: R. Brown, Buzzas, Cyr, Dowell, Fisher, Forrester, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hurwitz, Jacobson, Jayne, Kaufmann, Laslovich, Laszloffy, Lindeen, Maedje, McKenney, Mendenhall, Wanzenried.  
Total 23

Voted Absentee: Galvin-Halcro, No.

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Fuchs, Golie, Jayne, Keane, Ryan.

Total 5

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Bookout-Reinicke, Lehman, McKenney, B. Olson, Peterson.

Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 17** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Bergren, A. Olson.

Total 2

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**HB 55** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: A. Olson.  
Total 1

**HB 101** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 152** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 158** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 178** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr.

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Speaker.  
Total 97

Noes: Sales, Sinrud.  
Total 2

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 203** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Franklin, Raser.  
Total 2

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 264** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 74

Noes: Balyeat, D. Brown, R. Brown, Everett, Fuchs, Haines, Jackson, Kasten, Lake, Lambert, Lange, Lewis, Malcolm, McKenney, Morgan, Peterson, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Thomas, Younkin, Mr. Speaker.  
Total 25



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Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 270** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Roberts, Rome, Ryan, Small-Eastman, Smith, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 60

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Kasten, Lambert, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, B. Olson, Pattison, Peterson, Rice, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 39

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 284** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: D. Brown, Jayne, Malcolm, Morgan, Rice.  
Total 5

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 293** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Lewis, Sinrud.  
Total 2

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Schrumpf.  
Total 1

**HB 304** passed as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Ballantyne, Balyeat, Becker, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Parker, Raser, Sales, Sinrud, Small-Eastman, Wanzenried, Weiss, Windy Boy.  
Total 34

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 325** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman,

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Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 326** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 333** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

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Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 350** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Witt.

Total 1

**HB 353** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

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Absent or not voting: None.  
Total 0

**HB 369** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Bixby, D. Brown, R. Brown, Fuchs, Hawk, Jayne, Juneau, Kasten, Laszloffy, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Rice, Ripley, Roberts, Ryan, Sales.  
Total 21

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Gibson.  
Total 1

**HB 385** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 414** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.

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Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved **HB 176** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Bergren moved **HB 74** be taken from the Committee on Appropriations and be placed on second reading, Legislative Day 31.

Representative Brueggeman made a substitute motion to table the motion on **HB 74**. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Juneau, Windy Boy.

Total 2

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, February 11, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 11, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative D. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/11/2003  
Correctly printed: **HB 201, HB 206, HB 303, HB 378, HB 420, HJR 10.**  
Correctly engrossed: **HB 226.**  
Delivered to the Governor for approval at 2:40 p.m., February 11, 2003: **HB 23, HB 35, HB 43, HB 44, HB 102, HB 167, HB 232.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/11/2003  
**HB 337**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "MUST"

2. Title, line 6.  
**Following:** "STRUCTURE;"  
**Insert:** "PROVIDING AN EXCEPTION;"  
**Following:** "REQUIRING"  
**Insert:** "A"

3. Page 1, line 10 through page 3, line 17.  
**Strike:** everything after the enacting clause  
**Insert:** "**Section 1.** Section 69-4-602, MCA, is amended to read:

**~~"69-4-602. Procedure to give required notice~~ Notice of move -- cost estimate.** The person, firm, or corporation moving ~~any~~ a house, building, derrick, or other structure shall give the person, firm, or corporation owning or ~~operating~~ controlling the wires, cables, or poles affected by the movement of a structure, at ~~both their~~ the person's, firm's, or corporation's principal office and ~~their~~ nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure.

(2) The owner of the wires, cables, or poles shall give the mover a written estimate of the total cost of all work related to cutting, raising, or moving the wires or poles or raising the wires or cables or moving the poles, including travel time, at least 3 days prior to the move or within 10 days after receipt of the written notice of the move, whichever time comes sooner.

(3) The estimate of the total cost required under this section must be developed in accordance with the cost schedule filed as provided in subsection (4).

(4) (a) Except as provided in subsection (4)(b), a public utility, cable television company, or unregulated telecommunications provider with wires, cables, or poles in Montana shall file with the commission, by April 1 of each year, a cost schedule for labor and equipment for all work related to cutting or raising wires or cables or moving poles.

(b) An electric or telephone cooperative, as defined in 35-18-102, shall file at the cooperative's main office, by April 1 of each year, a cost schedule for labor and equipment for all work related to cutting or raising wires or cables or moving poles."



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**Insert: "Section 2.** Section 69-4-603, MCA, is amended to read:

**"69-4-603. Procedure to accomplish move -- payment of cost.** (1) In order to accomplish moving a house, building, derrick, or other structure through an area in which utility wires, cables, or poles or ~~wires~~ impede the movement, ~~it is the duty of~~ the person, firm, or corporation who owns or controls the poles or wires, cables, or poles and who has received the notice required by 69-4-602 ~~to shall~~ furnish competent workers to raise or cut the wires or cables or move the poles as necessary to facilitate moving the house, building, derrick, or other structure.

(2) ~~The necessary and reasonable expense of raising or cutting the wires or of moving the poles for utilities subject to the jurisdiction of the public service commission must be fixed and determined by the public service commission on the average cost per line or pole for time and materials expended. These costs and expenses must be reviewed biennially. Except as provided in subsections (4) and (5), the necessary and reasonable expense of raising or cutting the wires or of moving the poles must be shared equally by the person, firm, or corporation owning the structure and the person, firm, or corporation owning or operating the wires, cables, or poles required to be moved.~~

~~(3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities, and other persons who occupy and use utility or cooperative poles may not exceed the charges established by the public service commission for utilities subject to its jurisdiction. The charges assessed by utilities, other than utilities subject to the jurisdiction of the public service commission, must be apportioned as provided in subsection (2).~~

~~(4)(2) (a) Except as provided in subsection (4)(b) (2)(b), to facilitate the movement of a house, building, derrick, or other structure, the necessary and reasonable actual costs of raising or cutting wires or cables or moving poles to facilitate the movement of a house, building, derrick, or other structure, determined in accordance with the schedule filed under 69-4-602, must be paid by the owner of:~~

~~(i) a prefabricated structure that is intended to be moved from the place of fabrication; or~~

~~(ii) the sixth and each subsequent structure that exceeds 25 feet in height while being moved and that is to be moved from a single site. When structures are moved in a group or in a continuous caravan formation and when only a single line cut or movement is necessary, the move must count as only a single-structure move for purposes of this subsection (4)(a)(ii). For the purposes of this subsection (4)(a)(ii), a single site includes but is not limited to a development complex, housing complex, military base, or institutional complex. The whole of an incorporated municipality is not a single site as the term is used in this subsection mover.~~

~~(b) The necessary and reasonable actual costs of raising or cutting wires or cables or moving poles to facilitate the movement of a structure, determined in accordance with the schedule filed under 69-4-602, must be shared equally by the mover and the owner of the wires, cables, or poles if the structure is:~~

~~(i) owned by a person for occupancy or use by that person must be shared equally as provided in subsection (2);~~

~~(ii) when loaded, a height of less than 23 feet; and~~

~~(iii) not moved from the place of fabrication, a storage facility, or a dealer's lot.~~

~~(5) (a) A person, firm, or corporation who owns or moves a house, building, derrick, or other structure may not raise, cut, or in any way interfere with any poles or wires~~

~~(3) A mover may not raise, cut, or in any way interfere with wires, cables, or poles unless the person, firm, or corporation who owns or controls the poles or wires, cables, or poles refuses, after having been notified as required by 69-4-602, to raise or cut the wires or cables or move the poles.~~

~~(b) When the person who owns or controls the poles or wires refuses to raise or cut the wires or move the poles, the person, firm, or corporation who owns or moves the house, building, derrick, or other structure shall ensure that only competent and experienced workers raise or cut the wires or move the poles.~~

~~(c) The following procedure must be followed:~~

~~(i) The necessary and reasonable expense incurred by the owner or mover of the house, building, derrick, or other structure as a result of raising or cutting the wires or moving the poles must be paid by the owners of the poles or wires handled.~~

~~(ii) The work of raising or cutting the wires or moving the poles must be done in a careful manner.~~

~~(iii) The poles and wires must be promptly replaced and any damage to the poles or wires must be promptly repaired.~~

~~(4) The mover shall make a prepayment of a portion of the total cost estimated under 69-4-602 in advance of~~

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the move as follows:

(a) if the structure is moved through or out of the service territory of the owner of the wires, cables, or poles, 100% of the mover's share pursuant to subsection (2); or

(b) if the structure is delivered to a place within the service territory of the owner of the wires, cables, or poles, 50% of the mover's share pursuant to subsection (2).

(5) The owner of the wires, cables, or poles may waive the prepayment requirement or accept a bond or other financial instrument in lieu of payment.

(6) The mover shall pay the mover's share of all actual costs under subsection (2) in excess of any prepayment made under subsection (4) within 30 days of the move.

(7) If the prepayment made under subsection (4) exceeds the mover's share of actual costs under subsection (2), the owner of the wire, cable, or pole shall refund the difference to the mover within 30 days of the move."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 373**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Following:** "vegetation"

**Insert:** "composition"

2. Page 3, line 26.

**Following:** "area;"

**Insert:** "and"

3. Page 3, line 27 through line 29.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsection

4. Page 6, line 18.

**Following:** "recreation,"

**Insert:** "or"

**Following:** "residential"

**Strike:** ," through "land"

5. Page 8, line 8.

**Following:** "department"

**Insert:** "under a plan approved by the department"

6. Page 9, line 9.

**Strike:** "a purchaser" through "or"

**Insert:** "a person who personally conducts farming or ranching operations upon a farm or ranch unit to be directly affected by strip-mining operations or who receives directly a significant portion of income from farming or ranching operations;"

7. Page 9, line 10.

**Following:** "surface"

**Insert:** "; or

(d) the appropriate federal land management agency when the United States government owns the surface"

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8. Page 9, line 18 through line 21.

**Strike:** subsection (53) in its entirety

**Renumber:** subsequent subsections

9. Page 22, line 1.

**Following:** "(1)"

**Insert:** "(a)"

10. Page 22, line 7.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

11. Page 22, line 8.

**Following:** "order to"

**Insert:** "enhance the postmining land use and"

12. Page 22, line 9.

**Following:** "stability."

**Insert:** "and"

13. Page 22, line 10.

**Following:** "erosion"

**Strike:** "," through "uses"

14. Page 22.

**Following:** line 15

**Insert:** "(b) Spoil from the first cut is not required to be transported to the last cut if highwalls are eliminated, box cut spoils are graded to blend in with the surrounding terrain, and the approximate original contour of the land is achieved."

15. Page 22, line 16.

**Strike:** "(e)"

**Insert:** "(c)"

16. Page 25, line 28 through line 30.

**Following:** "(8)"

**Insert:** "(a)"

**Strike:** "and" on line 28 through "use" on line 30

**Insert:** "a higher or better use as an alternative postmining land use. If the landowner is not the operator, the operator shall submit written documentation of the concurrence of the landowner or the land management agency with jurisdiction over the land. The department may approve the proposed alternative postmining land use only if it"

17. Page 26, line 1.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

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18. Page 26, line 5.

**Strike:** "(i)"

**Insert:** "(A)"

**Renumber:** subsequent subsections

19. Page 26.

**Following:** line 25

**Insert:** "(b) As used in this section, the term "landowner" includes a person who has sold the surface estate to the operator with an option to repurchase the surface estate after mining and reclamation are complete."

20. Page 29, line 11.

**Following:** "cover"

**Insert:** "and production"

And, as amended, do pass. Report adopted.

**HB 417**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 13.

**Following:** "matured,"

**Insert:** "contracts that were entered into,"

3. Page 1, line 17.

**Strike:** "the Public" through "1978"

**Insert:** "16 U.S.C. 824a-3"

4. Page 1, line 18 through line 19.

**Strike:** "the Public" on line 18 through "1978" on line 19

**Insert:** "16 U.S.C. 824a-3"

5. Page 1.

**Following:** line 19

**Insert:** "NEW SECTION. Section 4. Applicability. [This act] applies to a petition filed with the commission on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 424**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/10/2003

**HB 214**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SUPERVISE"

**Insert:** "CONTROL"

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2. Title, page 1, line 8.

**Strike:** "SUPERVISION"

**Insert:** "CONTROL"

3. Page 1, line 18.

**Strike:** "(1)"

4. Page 1, line 19.

**Strike:** "supervise"

**Insert:** "control"

5. Page 1, line 21.

**Strike:** "(a)"

**Insert:** "(1)"

**Strike:** "supervise"

**Insert:** "control"

6. Page 1, line 22.

**Strike:** "(b)"

**Insert:** "(2)"

**Strike:** "supervision"

**Insert:** "control"

7. Page 1, line 23 through line 24.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 456**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/10/2003

**HJR 4**, introduced joint resolution, be amended as follows:

1. Title, line 7.

**Strike:** "87-1-703"

**Insert:** "85-1-703"

2. Page 1, line 20.

**Following:** "water"

**Insert:** ", reducing waste, and promoting efficiency"

3. Page 1.

**Following:** line 27

**Insert:** "(1) quantitatively evaluate the efficiency of and the waste caused by aging irrigation delivery systems and prescribe options for reducing waste and increasing efficiency;

(2) evaluate measures that promote the efficient use of water;

(3) evaluate the long-term impact of any new ground water appropriations in closed basins;

(4) study water banking as a means to alleviate water shortages;"

**Renumber:** subsequent subsections

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4. Page 1, line 30.

**Strike:** "87-1-703"

**Insert:** "85-1-703"

5. Page 2, line 3.

**Following:** "Conservation,"

**Insert:** "the Department of Fish, Wildlife, and Parks,"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/10/2003

**SB 128**, introduced by Mahlum

**SB 130**, introduced by McGee

**SB 263**, introduced by Grimes

**SB 284**, introduced by Wheat

**House bills** concurred in and returned to the House:

2/10/2003

**HB 136**, introduced by Fisher

**HB 175**, introduced by P. Clark

**HB 207**, introduced by Laslovich

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

2/10/2003

**HB 128**, introduced by Rice

**MESSAGES FROM THE GOVERNOR**

February 11, 2003

The Honorable Doug Mood

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 31** sponsored by Representative Devlin, **House Bill 58** sponsored by Representative Erickson, **House Bill 62** sponsored by Representative Lehman, **House Bill 70** sponsored by Representative Parker, **House Bill 83** sponsored by Representative Peterson, and **House Bill 153** sponsored by Representative Ballantyne on February 11, 2003.

Sincerely,

JUDY MARTZ

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Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 572**, introduced by Lewis, Branae, referred to Education.

**HB 573**, introduced by Parker, Dowell, Galvin-Halcro, Harris, referred to Education.

**HB 574**, introduced by Lehman, referred to Natural Resources.

**HB 575**, introduced by Ballantyne, Branae, Laslovich, Lindeen, Musgrove, Newman, Wanzenried, referred to Business and Labor.

**HB 576**, introduced by Buzzas, referred to Business and Labor.

**HB 577**, introduced by Brueggeman, referred to Business and Labor.

**HB 578**, introduced by Shockley, referred to Judiciary.

**HB 579**, introduced by Shockley, referred to Judiciary.

**HB 580**, introduced by Bitney, referred to Federal Relations, Energy, and Telecommunications.

**HB 581**, introduced by Gutsche, Cobb, referred to Natural Resources.

**HB 582**, introduced by Juneau, referred to Business and Labor.

**HB 583**, introduced by R. Brown, referred to Local Government.

**HB 584**, introduced by Barrett, Brueggeman, Grimes, Gutsche, Stonington, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 16**, introduced by Mangan, Glaser (by request of the Education and Local Government Interim Committee), referred to Education.

**SB 41**, introduced by Tropila (by request of the Board of Public Education), referred to Education.

**SB 42**, introduced by Tropila (by request of the Board of Public Education), referred to Education.

**SB 43**, introduced by Tropila (by request of the Board of Public Education), referred to Education.

**SB 96**, introduced by Kitzenberg, referred to Education.

**SB 202**, introduced by Johnson, McCarthy, referred to Education.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 331** - Representative Gallus moved **HB 331** do pass.

Representative Harris moved **HB 331**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Following:** "DUE;"

**Insert:** "CHANGING THE OFFENSE FROM A CRIMINAL OFFENSE TO A CIVIL OFFENSE;"

2. Page 1, line 16.

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**Following:** "the"

**Insert:** "civil"

3. Page 1, line 21.

**Following:** line 20

**Insert:** "civil"

4. Page 1, line 24.

**Following:** "the"

**Insert:** "civil"

5. Page 1, line 29.

**Strike:** "convicted of failure"

**Insert:** "who fails"

6. Page 1, line 30.

**Strike:** "failure"

**Insert:** "fails"

7. Page 2, line 1 through line 2.

**Strike:** lines 1 through 2 in their entirety

**Insert:** "is subject to a civil penalty in an amount not to exceed \$1,500."

8. Page 2, line 3.

**Strike:** "convicted of failure"

**Insert:** "who fails"

9. Page 2, line 4.

**Strike:** "failure"

**Insert:** "fails"

10. Page 2, line 4 through line 6.

**Strike:** "shall" on line 4 through "both" on line 6

**Insert:** "is subject to a civil penalty in an amount not to exceed \$2,000"

11. Page 2, line 7.

**Insert:** "NEW SECTION. Section 2. Instruction to code commissioner. The code commissioner shall renumber 45-6-309 as an integral part of Title 30, chapter 19, and shall make any other changes necessitated by the renumbering."

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman,



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Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 96

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman, Golie, Mr. Speaker.  
Total 4

Motion that **HB 331**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Bookout-Reinicke, D. Brown, E. Clark, Devlin, Fisher, Fuchs, Gallik, Hawk, Jackson, Jayne, Kasten, Maedje, Rome, Steinbeisser.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

**HB 445** - Representative Pattison moved **HB 445** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Dowell, Erickson, Galvin-Halcro, Gutsche, Juneau, Kaufmann, Wanzenried.  
Total 7

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HJR 11** - Representative Smith moved **HJR 11** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Bookout-Reinicke, Fisher, Haines, Hawk, Malcolm, Mendenhall, Sales.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 12** - Representative Fuchs moved **HJR 12** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Becker, Carney, Dickenson, Erickson, Fritz, Galvin-Halcro, Juneau, Kaufmann, Small-Eastman.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 14** - Representative Bixby moved **HJR 14** be adopted. Motion carried as follows:

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Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Rice, Roberts, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 63

Noes: Andersen, Balyeat, Bitney, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Kasten, Laszloffy, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Newman, A. Olson, Pattison, Peterson, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 448** - Representative Harris moved **HB 448** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Andersen, Balyeat, R. Brown, Fisher, Hedges, A. Olson, Ross.

Total 7

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

**HB 129** - Representative Gutsche moved **HB 129** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 87

Noes: D. Brown, R. Brown, E. Clark, Devlin, Hedges, Jackson, Kasten, Lambert, Morgan, Pattison, Rice, Ross, Waitschies.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 61** - Representative Laslovich moved **HB 61** do pass.

Representative P. Clark moved for cloture. Motion carried.

Motion that **HB 61** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Haines, Harris, Hurwitz, Jackson, Jayne, Jent, Kaufmann, Keane, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, A. Olson, Peterson, Raser, Rice, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Windy Boy, Witt, Mr. Speaker.

Total 57

Noes: Barrett, R. Brown, Buzzas, Callahan, P. Clark, Everett, Fisher, Franklin, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Hedges, Jacobson, Juneau, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, McKenney, Mendenhall, Newman, Noennig, B. Olson, Parker, Pattison, Ripley, Roberts, Rome, Sales, Sinrud, Thomas, Wagman, Waitschies, Wilson, Younkin.

Total 41

Excused: None.

Total 0

Absent or not voting: Gallus, Shockley.

Total 2

**HB 184** - Representative Wilson moved **HB 184** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 85

Noes: R. Brown, Fisher, Haines, Hawk, Lake, McKenney, Ripley, Roberts, Rome, Steinbeisser, Stoker, Wagman,

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Waitschies, Witt, Younkin.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Golie, Windy Boy.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 201** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 206** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 71

Noes: Balyeat, Barrett, D. Brown, Brueggeman, P. Clark, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Galvin-Halcro, Golie, Jayne, Juneau, Kasten, Lehman, Lewis, Malcolm, Pattison, Raser, Rice, Sales, Shockley, Sinrud, Weiss, Witt.

Total 27

Excused: None.

Total 0

Absent or not voting: Fritz, Gillan.

Total 2

**HB 303** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Buzzas, Carney, P. Clark, Dickenson, Erickson, Facey, Fisher, Gutsche, Harris, Kaufmann, Small-Eastman, Windy Boy.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 378** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Hawk, Thomas, Wagman.

Total 4

Excused: None.

Total 0

Absent or not voting: Gillan, Stoker.

Total 2

**HB 420** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Buzzas, P. Clark, Cyr, Erickson, Forrester, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Kaufmann, Laslovich, Lindeen, Maedje, Mendenhall, Sinrud.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/11/2003

Correctly engrossed: **HB 214, HB 337, HB 373, HB 417.**

Correctly enrolled: **HB 136, HB 175, HB 207.**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/11/2003

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**HB 359**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FOR"

**Insert:** "APPROPRIATE"

2. Title, line 6.

**Following:** "EXCEPTIONS;"

**Insert:** "PROVIDING A FINE FOR EMPLOYERS NOT PROVIDING APPROPRIATE REST PERIODS;"

3. Page 1, line 11.

**Strike:** "Rest"

**Insert:** "Appropriate rest"

**Following:** "(1)"

**Insert:** "(a)"

4. Page 1, line 13.

**Following:** "without"

**Strike:** "a"

**Insert:** "an appropriate"

5. Page 1, following line 14.

**Insert:** "(b) For the purposes of this section, "appropriate rest period" means a period of rest of not less than 10 minutes for every segment of 4 hours worked in one work period without deduction from the employee's pay. The rest period must be in addition to and taken separately from the time allowed for the usual meal period. Insofar as is feasible, considering the nature and circumstances of the work, the rest period is to be taken by the employee in the middle of each 4-hour segment. The rest period is not to be added to the usual meal period or deducted from the beginning or end of the work period to reduce the overall length of the total work period."

6. Page 1, line 18.

**Following:** "agreement."

**Insert:** "Except for a claim that a deduction from pay was made by an employer for a rest period, a complaint by an employee pursuant to the provisions of this section may not be treated as a wage claim under Title 39, chapter 3, part 2."

7. Page 1, following line 20.

**Insert:** "(5) The department may adopt rules to implement the provisions of this section. The rules may address but are not limited to:

(a) appropriate times for employee breaks in light of work conditions and peak work periods;

(b) the fact that breaks are available to employees on a use-it-or-lose-it basis; and

(c) the staggering of breaks among employees in order to not interfere with workflow.

(6) An employer who is subject to the provisions of this section and who receives from the department three notices of violation of the provisions of this section may be fined by the department an amount not to exceed \$500. The employer is entitled to proceed under the contested case provisions of the Montana Administrative Procedure Act."

And, as amended, do pass. Report adopted.

**HB 438**, introduced bill, be amended as follows:



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1. Title, line 5.

**Following:** "CONTRACTS;"

**Insert:** "REVISING DEFINITIONS;"

2. Title, line 10.

**Following:** "AMENDING"

**Strike:** "SECTION"

**Insert:** "SECTIONS 28-2-2101 AND"

3. Page 1, following line 14.

**Insert:** "**Section 1.** Section 28-2-2101, MCA, is amended to read:

**"28-2-2101. Definitions.** As used in this part, unless the context requires otherwise, the following terms apply:

(1) "Construction contract" means a written agreement between an owner and a contractor for the contractor to construct or improve or to provide construction management for the construction or improvement of an improvement to real property.

(2) "Contractor" means a person who has signed a construction contract with an owner.

(3) "Government entity" means a city, town, county, consolidated municipal-county government, school district, or other special district.

(4) "Improve" means to build, alter, demolish, repair, construct, expand, cover, excavate, grade, fill, clear, plant, landscape, or furnish material or labor, or both for an improvement.

(5) "Improvement" means all or a part of a residential or commercial building, structure, area of real property, quantity of earth or fill material, tree or shrubbery, driveway, roadway, or parking area.

(6) "Owner" means a governmental entity or private entity that has a legal interest in the real property improved or to be improved by the performance of the construction contract. An owner may, in the contract, designate another person to represent the owner for the purpose of overseeing the performance of the construction contract and in handling administrative tasks respecting the construction contract.

~~(7) "Owner's representative" means an architect, engineer, or other person who represents the owner and is designated in the contract as the person representing the owner for the purposes of the administration or oversight of the performance of the construction contract.~~

~~(8)(7)~~ "Receipt" or "receive" means actual receipt.

~~(9)(8)~~ "Subcontract" means a contract between a contractor and a subcontractor or between a subcontractor and another subcontractor, the purpose of which is the performance of all or a part of the construction contract.

~~(10)(9)~~ "Subcontractor" means a person who has contracted with a contractor or another subcontractor for the purposes of performance of all or a part of a subcontract.""

4. Page 1, line 23.

**Strike:** "or the owner's representative"

5. Page 1, line 25.

**Strike:** "or owner's"

6. Page 1, line 26.

**Strike:** "representative"

7. Page 1, line 27.

**Strike:** "or owner's representative"

**Insert:** "in the contract"

8. Page 1, line 29.

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**Strike:** "or the owner's representative"

**Insert:** "or the person designated in the contract by the owner to receive the payment request"

9. Page 1, line 30.

**Strike:** "or the owner's representative"

10. Page 2, line 1.

**Strike:** "or the owner's representative"

11. Page 2, line 2.

**Strike:** "or the owner's representative"

12. Page 2, line 14.

**Strike:** "or owner's representative"

13. Page 2, line 15.

**Strike:** "or the owner's representative"

14. Page 2, line 17.

**Strike:** "or owner's representative"

15. Page 2, line 19.

**Strike:** "or the owner's representative"

16. Page 2, line 24 through line 27.

**Strike:** ", an owner" on line 24 through "paid" on line 27

**Insert:** "who has not been paid for work in accordance with the provisions of subsection (2), an owner shall notify the subcontractor of a progress payment or final payment made to the general contractor"

17. Page 2, line 28.

**Strike:** "or the"

18. Page 2, line 29.

**Strike:** "owner's representative"

19. Page 3, line 6.

**Strike:** "or the owner's representative"

20. Page 3, line 19.

**Strike:** "on each" through "construction plans"

**Insert:** "in the "Information for Bidders" section of the construction documents"

21. Page 3, line 27.

**Strike:** "on each" through "construction plans"

**Insert:** "in the "Information for Bidders" section of the construction documents"

22. Page 4, line 8.

**Strike:** "on each" through "construction plans"

**Insert:** "in the "Information for Bidders" section of the construction documents"

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23. Page 4, line 17.

**Strike:** "on each" through "construction plans"

**Insert:** "in the "Information for Bidders" section of the construction documents"

24. Page 6, line 24.

**Strike:** "2 through 4"

**Insert:** "3 through 5"

25. Page 6, line 26.

**Strike:** "2 through 4"

**Insert:** "3 through 5"

And, as amended, do pass. Report adopted.

**HB 474**, do pass. Report adopted.

**HB 482**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/11/2003

**HB 402**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "PENALTIES"

**Insert:** "AND REQUIRING OFFENDER REGISTRATION"

2. Title, page 1, line 6.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "45-9-132"

**Insert:** "AND 46-23-502"

3. Page 2, line 4.

**Insert:** "**Section 2.** Section 46-23-502, MCA, is amended to read:

**"46-23-502. Definitions.** As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(3) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(4) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(5) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct sexual offender and sexually violent predator evaluations.

(6) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-301 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302, 45-5-303, 45-5-502(3), 45-5-503, 45-5-504(1) (if the victim is under 18 years of age and the offender is 18 years of age or older), 45-5-504(2)(c), 45-5-507 (if the victim is under 18 years of age and the offender is 3 or more years older than the victim), 45-5-603(1)(b), or 45-5-625; or

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(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (6)(a).

(7) "Sexual or violent offender" means a person who has been convicted of a sexual or violent offense.

(8) "Sexually violent predator" means a person who has been convicted of a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses.

(9) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-210(1)(b), (1)(c), or (1)(d), 45-5-212, 45-5-213, 45-5-401, ~~or 45-6-103, or 45-9-132~~; or

(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (9)(a)."

And, as amended, do pass. Report adopted.

**HB 453**, do pass. Report adopted.

**HB 489**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "IMMEDIATE"

2. Page 3, line 18.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 496**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "40-15-402"

**Insert:** "AND 40-15-403"

2. Page 1, line 26.

**Insert:** "**Section 2.** Section 40-15-403, MCA, is amended to read:

**"40-15-403. Judicial enforcement of order.** (1) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a court of this state. The court shall enforce the terms of the order, including terms that provide relief that a court of this state would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.

(2) A court of this state may not enforce a foreign protection order issued by a court of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(3) A court of this state shall enforce the provisions of a valid foreign protection order that govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(4) A court of this state may not enforce under this part a provision of a foreign protection order with respect

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to support.

- (5) A foreign protection order is valid if it:
  - (a) identifies the protected individual and the respondent;
  - (b) is currently in effect;
  - (c) was issued by a court that had jurisdiction over the parties and subject matter under the law of the issuing state; and
  - (d) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the court issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard before the order was issued or had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.
- (6) A foreign protection order valid on its face is prima facie evidence of its validity.
- (7) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.
- (8) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if:
  - (a) the respondent filed a written pleading seeking a protection order from the court of the issuing state; and
  - (b) the court of the issuing state made specific findings in favor of the respondent.""

**Renumber:** subsequent section

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 521**, introduced bill, be amended as follows:

1. Page 2, line 10.

**Following:** "peace officer"

**Insert:** "or detention center facility"

**Strike:** "the officer's"

2. Page 2, line 11.

**Strike:** "may"

**Insert:** "shall"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative R. Brown moved **HB 460** be taken from the Committee on Human Services and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HB 186, HB 435, HB 456, HB 480, HR 2.**

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, February 12, 2003. Motion carried.

House adjourned at 3:19 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 12, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/12/2003  
Correctly printed: **HB 424, HB 453, HB 456, HB 474, HB 482.**  
Correctly engrossed: **HB 331, HB 359, HB 402, HB 438, HB 489, HB 496, HB 521.**  
Examined by the sponsor and found to be correct: **HB 136, HB 175, HB 207.** 2/11/2003  
Signed by the Speaker at 8:30 a.m., February 12, 2003: **HB 136, HB 175, HB 207.**  
Delivered to the Governor for approval at 11:10 a.m., February 12, 2003: **HB 136, HB 175, HB 207.**

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 2/12/2003  
**HB 306**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "MONTANA"

**Strike:** "CITIZENS"

**Insert:** "CITIZENS' OPPORTUNITY"

2. Title, line 6 through line 8.

**Following:** "ANIMALS" on line 6

**Strike:** remainder of line 6 through "ANIMALS" on line 8

3. Page 1, line 15.

**Following:** "heritage."

**Strike:** "(1)"

**Following:** "The"

**Insert:** "opportunity to"

**Following:** "harvest"

**Strike:** "of"

4. Page 1, line 16.

**Following:** "state"

**Strike:** ", "

**Insert:** "and"

5. Page 1, line 17.

**Strike:** "unauthorized"

6. Page 1, line 17 through line 18.

**Following:** "rights"

**Strike:** remainder of line 17 through "interest" on line 18

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7. Page 1, line 19 through line 20.

**Strike:** subsection (2) in its entirety

8. Page 1, line 28.

**Following:** "heritage of"

**Strike:** "Montanans"

**Insert:** "Montanans' opportunity"

9. Page 1, line 28 through line 29.

**Following:** "game" on line 28

**Strike:** remainder of line 28 through "heritage" on line 29

10. Page 1, line 30.

**Following:** "heritage of"

**Strike:** "Montanans"

**Insert:** "Montanans' opportunity"

11. Page 2, line 1.

**Strike:** "and requiring management of fish and wildlife to preserve the heritage"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/12/2003

**HB 144**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "MAKING" on line 6 through "SUSPENDING" on line 7

**Insert:** "INCREASING"

2. Title, line 8.

**Following:** "REQUESTS"

**Strike:** "UPON APPEAL"

3. Title, line 9.

**Strike:** "CAP ON"

4. Title, line 10.

**Strike:** "75-10-732,"

5. Title, line 12.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

6. Page 1, line 16 through page 2, line 20.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 3, line 21.

**Following:** "than"



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**Strike:** "2"  
**Insert:** "5"

8. Page 3, line 23.  
**Following:** "of the" on line 23  
**Strike:** "2-year"  
**Insert:** "5-year"

9. Page 3, line 25.  
**Following:** the first "of the"  
**Strike:** "2-year"  
**Insert:** "5-year"

10. Page 3, line 27.  
**Following:** "latest."  
**Insert:** "The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator."

11. Page 6, line 30.  
**Following:** "annual"  
**Strike:** "tank registration"

12. Page 7, line 1.  
**Following:** "registration"  
**Insert:** ", not to exceed \$108 for a tank over 1,100 gallons and not to exceed \$36 for a tank 1,100 gallons or less, for each tank, for tank registration"

13. Page 7, line 1 and line 2.  
**Following:** "defray" on line 1.  
**Strike:** "and not" through "to exceed the" on line 2

14. Page 9.  
**Following:** line 3  
**Insert:** "NEW SECTION. Section 7. Applicability. [Section 1] applies to all claims for reimbursement of expenses on file with the department of environmental quality on [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 368**, introduced bill, be amended as follows:

1. Title, line 4.  
**Following:** the second "AN ACT"  
**Strike:** "ELIMINATING"  
**Insert:** "EXTENDING"

2. Title, line 8.  
**Strike:** the first "AND"

3. Title, line 9.

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**Following:** "MCA"

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 2, line 11.

**Strike:** "and"

5. Page 2, line 15.

**Following:** "~~damage~~"

**Insert:** "; and

(h) expenses for work completed by or on behalf of the owner or operator more than 5 years prior to the owner's or operator's request for reimbursement. This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. The running of the 5-year limitation period is suspended by an appeal of the board's denial of eligibility for reimbursement. If a written request for hearing is filed under 75-11-309, the suspension of the 5-year limitation period is effective from the date of the board's initial eligibility denial to the date on which the initial eligibility denial is overturned or reversed by the board, a district court, or the state supreme court, whichever occurs latest. The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator"

6. Page 3.

**Following:** line 17

**Strike:** line 18 through line 19 in their entirety

**Insert:** "(a) the release was discovered on or after April 13, 1989, and the release occurred from:

(i) an underground storage tank, as defined in 75-11-503, that was in compliance with 75-11-509 at the time that the release was discovered;

(ii) a petroleum storage tank, as defined in 75-11-302, that was in compliance with the applicable state and federal laws and rules that the board determines pertain to the prevention and mitigation of a petroleum release from a petroleum storage tank at the time that the release was discovered; or

(iii) an underground storage tank, as defined in 75-11-503, that the property owner had no previous knowledge of if the tank was in compliance with the applicable state and federal laws and rules that the board determines pertain to the prevention and mitigation of a petroleum release at the time that the release was discovered;"

7. Page 3, line 24 through line 25.

**Following:** "release,"

**Strike:** "the" on line 24 through "tank" on line 25

**Following:** "~~complied~~"

**Insert:** "the underground storage tank from which the release occurred was removed or had a valid permit pursuant to 75-11-509 and the petroleum storage tank"

8. Page 7, line 13.

**Following:** "review"

**Strike:** "of"

**Insert:** "suggests that"

9. Page 8, line 4 through line 5.

**Following:** "expenses"

**Strike:** "that" on line 4 through "approval" on line 5

**Insert:** "associated with administration"

10. Page 8.

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**Following:** line 27

**Strike:** line 28 through line 29 in their entirety

**Insert:** "(a) department expenses incurred in providing assistance to the board. The board shall review and comment on all department administrative budget proposals that are assessed against the fund prior to submittal of the department budget for legislative approval. Department administrative expenses on behalf of the board may include:"

11. Page 9.

**Following:** line 27

**Insert:** "NEW SECTION. Section 9. Applicability. [Section 1] applies to all claims for reimbursement of expenses on file with the department of environmental quality on [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 428**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/11/2003

**HB 120**, introduced bill, be amended as follows:

1. Page 1, lines 18 and 19.

**Strike:** "any" on line 18 through "sheriff" on line 19

**Insert:** "a detention officer, as defined in 44-4-302, who has received or is expected to receive the training provided in order to meet the employment standards set by the board of crime control for detention officers pursuant to 44-4-301"

And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

2/11/2003

**HB 452**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "WHO ARE 18 YEARS OF AGE OR OLDER"

2. Page 1, line 12.

**Strike:** "adult"

**Following:** "use"

**Insert:** "-- limitation"

3. Page 1, line 13.

**Strike:** "adult"

4. Page 1, line 15.

**Strike:** "who are 18 years of age or older"

**Following:** "."

**Insert:** "The department of public health and human services shall provide the department of revenue with a list of taxpayers making donations to the account."

5. Page 1, line 16.

**Strike:** "Money"

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**Insert:** "Subject to subsection (3), money"

6. Page 1, lines 16 and 17.

**Following:** "individuals" on line 16

**Strike:** remainder of line 16 through "older" on line 17

7. Page 1, line 18.

**Following:** "."

**Insert:** "Money in the account for which a tax credit was claimed must be reimbursed to the general fund for the amount of the credit taken in the previous tax year. The remaining money in the account must be used to supplement existing funding."

8. Page 1.

**Following:** line 18

**Insert:** "(3) Expenditures from the account in the previous biennium may not be included in the base budget, as defined in 17-7-102, of the department for the current biennium."

9. Page 1, line 20.

**Strike:** "adult"

10. Page 1, lines 22 and 23.

**Following:** "15-31-101" on line 22

**Strike:** remainder of line 22 through "1]" on line 23

**Following:** the first "." on line 23

**Insert:** "The credit must be calculated pursuant to and is subject to the limitations provided in 15-30-166."

11. Page 1, line 23.

**Following:** "liability."

**Insert:** "A taxpayer claiming a credit under this section may not claim a deduction for the contribution for which a credit is claimed."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

2/11/2003

**SB 249**, introduced by Taylor

**MESSAGES FROM THE GOVERNOR**

February 11, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

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Dear Representative Mood:

Please be informed that I have signed **House Bill 16** sponsored by Representative Haines, **House Bill 25** sponsored by Representative Galvin-Halcro, **House Bill 34** sponsored by Representative Jacobson, **House Bill 69** sponsored by Representative Smith, and **House Bill 132** sponsored by Representative Musgrove on February 11, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 585**, introduced by Franklin, referred to Human Services.  
**HB 586**, introduced by Brueggeman, Johnson, referred to State Administration.  
**HB 587**, introduced by Carney, referred to Transportation.  
**HB 588**, introduced by Matthews, referred to Business and Labor.  
**HB 589**, introduced by Gallus, F. Thomas, referred to Appropriations.  
**HB 590**, introduced by Fuchs, referred to State Administration.  
**HB 591**, introduced by Fuchs, referred to Transportation.  
**HB 592**, introduced by Small-Eastman, Gallik, referred to Human Services.  
**HB 593**, introduced by Small-Eastman, referred to Appropriations.  
**HB 594**, introduced by Small-Eastman, referred to Agriculture.  
**HB 595**, introduced by Brueggeman, Laslovich, Lindeen, Sinrud, Younkin, referred to Taxation.  
**HB 596**, introduced by Keane, referred to Local Government.  
**HB 597**, introduced by Wagman, referred to Business and Labor.  
**HB 598**, introduced by Sales (by request of the House Fish, Wildlife, and Parks Standing Committee), referred to Fish, Wildlife and Parks.  
**HB 599**, introduced by Sales, referred to State Administration.  
**HB 600**, introduced by Sales, referred to State Administration.  
**HB 601**, introduced by Ripley, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Everett, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Keane, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Morgan, Musgrove, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, B. Ryan, Schruppf, Sinrud, Smith, Stoker, Witt, referred to State Administration.  
**HB 602**, introduced by Galvin-Halcro, referred to State Administration.  
**HB 603**, introduced by Jayne, Jacobson, Small-Eastman, referred to Business and Labor.  
**HB 604**, introduced by Gallik, Bales, Matthews, A. Olson, referred to Federal Relations, Energy, and Telecommunications.  
**HB 605**, introduced by Jayne, Forrester, Jacobson, Small-Eastman, referred to Natural Resources.  
**HB 606**, introduced by Stoker, referred to Business and Labor.  
**HB 607**, introduced by Facey, Buzzas, Cyr, Ellingson, Erickson, Gutsche, Kaufmann, Newman, Weiss, referred to State Administration. The following House bill was introduced, read first time, and referred to committee:

The following House joint resolutions were introduced, read first time, and referred to committees:

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**HJR 21**, introduced by Morgan, referred to State Administration.

**HJR 22**, introduced by Ripley, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Juneau, Keane, Lake, Laszloffy, Lehman, Lenhart, Morgan, Musgrove, A. Olson, Parker, Pattison, Raser, Roberts, Schrumpf, Smith, Steinbeisser, Stoker, Windy Boy, Younkin, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bitney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 194** - Representative Barrett moved **HB 194** do pass.

Representative Harris moved **HB 194**, second reading copy, be amended as follows :

1. Title, lines 10 through 12.

**Following:** "FILINGS;" on line 10

**Strike:** remainder of line 10 through "PARTNERSHIPS;" on line 12

2. Title, line 18.

**Strike:** "30-13-206,"

3. Page 2, lines 14 through 30.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Ballantyne, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent.

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Total 2

Motion that **HB 194** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 305** - Representative Peterson moved **HB 305** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 372** - Representative Cyr moved **HB 372** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson,

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Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 88

Noes: E. Clark, Devlin, Erickson, Fritz, Gutsche, Jent, Ripley, Roberts, Waitschies.

Total 9

Excused: None.

Total 0

Absent or not voting: Gillan, Haines, Witt.

Total 3

**HB 56** - Representative B. Thomas moved **HB 56** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Jayne, Lewis, Sales, Sinrud, Wanzenried, Younkin.

Total 6

Excused: None.

Total 0

Absent or not voting: D. Brown, Golie, Hedges.

Total 3

**HB 185** - Representative Wilson moved **HB 185** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, Fisher, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Kasten, Keane, Lambert,



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Laszloffy, Lehman, Malcolm, Rice, Ryan, Sales, Sinrud, Windy Boy, Witt, Younkin.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 269** - Representative Bergren moved **HB 269** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: D. Brown, Kaufmann, Lehman, Malcolm.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 377** - Representative R. Brown moved consideration of **HB 377** be passed for the day. Motion carried.

**HB 384** - Representative McKenney moved **HB 384** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Everett, Malcolm, Rice.  
Total 3

Excused: None.  
Total 0

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Absent or not voting: Kaufmann.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bitney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Golie, Ryan.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 61** passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Carney, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Haines, Harris, Hedges, Hurwitz, Jayne, Jent, Kaufmann, Keane, Laslovich, Lehman, Lenhart, Lindeen, Malcolm, Matthews, Morgan, Musgrove, A. Olson, Raser, Rice, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Witt.  
Total 50

Noes: Andersen, Barrett, D. Brown, R. Brown, Buzzas, Callahan, P. Clark, Dickenson, Everett, Fisher, Franklin, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Jackson, Jacobson, Juneau, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, McKenney, Mendenhall, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Rome, Sales, Sinrud, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: E. Clark, Lambert, Maedje.

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Total 3

**HB 129** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 85

Noes: R. Brown, E. Clark, Devlin, Everett, Jackson, Kasten, Pattison, Rice, Ross, Waitschies, Windy Boy.

Total 11

Excused: None.

Total 0

Absent or not voting: Bergren, Kaufmann, Lambert, Maedje.

Total 4

**HB 184** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 87

Noes: R. Brown, E. Clark, Fisher, Hawk, Lake, Rome, Steinbeisser, Wagman, Waitschies, Witt, Younkin.

Total 11

Excused: None.

Total 0

Absent or not voting: Kaufmann, Maedje.

Total 2

**HB 226** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman,

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Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 84

Noes: Barrett, Everett, Hawk, Jayne, Lambert, Laszloffy, Peterson, Rice, Ripley, Rome, Ryan, Sales, Shockley, Sinrud, Witt.

Total 15

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**HB 445** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Erickson, Galvin-Halcro, Gutsche, Kaufmann, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 448** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, R. Brown, Ross.

Total 3

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 11** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Bookout-Reinicke, Fisher, Hawk, Malcolm, Mendenhall, A. Olson, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 12** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Becker, Carney, Dickenson, Erickson, Fritz, Galvin-Halcro, Kaufmann, Small-Eastman, Windy Boy.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 14** adopted as follows:

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Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Rice, Roberts, Ryan, Small-Eastman, Smith, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 64

Noes: Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Kasten, Lake, Lange, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Newman, A. Olson, Pattison, Peterson, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Thomas, Waitschies, Witt, Younkin.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved **HB 377** be taken from second reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 475** be taken from the Committee on Local Government and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Representative R. Brown moved **HB 584** be taken from the Committee on Judiciary and be rereferred to the Committee on Natural Resources. There being no objection, so ordered.

Representative Branae moved **HB 74** be taken from the Committee on Appropriations and be placed on second reading Legislative Day 33.

Representative Brueggeman moved to table previous motion that **HB 74** be taken from committee. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

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Excused: None.  
Total 0

Absent or not voting: Forrester, Juneau, Matthews.  
Total 3

Representative Gallik moved **HB 476** be taken from the Committee on Taxation and be placed on second reading Legislative Day 32. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him singing Happy Birthday to Representative Waitschies.

The following cosponsors were added to **HB 295**: Parker.

The following bills were **placed** on the consent calendar: **HB 339, HB 489, HB 496**.

The following bills were **removed** from the consent calendar: **HB 435, HB 456, HB 480**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 13, 2003. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 13, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative A. Olson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gallus and B. Ryan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-sixth, twenty-seventh, and twenty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**SPECIAL ORDERS OF THE DAY**

Consul General Moon of the Republic of Korea was introduced to the House. He recognized the seven astronauts that recently perished and gave a short speech. Speaker Mood thanked Consul General Moon for his presence and welcomed him to the state of Montana.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/13/2003

Correctly printed: **HB 428**.

Correctly engrossed: **HB 120, HB 144, HB 306, HB 368, HB 452**.

**AGRICULTURE** (Rice, Chairman): 2/12/2003

**HJR 15**, be adopted. Report adopted.

**HJR 17**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**HJR 18**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman): 2/13/2003

**HB 176**, do pass. Report adopted.

**HB 236**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "CLARIFYING"

**Insert:** "AND REVISING"

2. Title, line 6.

**Following:** "STABILIZATION"

**Insert:** "AND ASSESSMENT"

**Following:** "PROJECT"

**Insert:** ", FOR THE PLANNING, DEVELOPMENT, ACQUISITION, INSTALLATION, ADMINISTRATION, AND IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEMS TO REPLACE DEPARTMENT OF REVENUE INFORMATION TECHNOLOGY SYSTEMS, FOR THE PLANNING, DEVELOPMENT, AND IMPLEMENTATION OF BUSINESS PROCESS CHANGES TO FACILITATE AND ENABLE THE REPLACEMENT ACTIVITIES, AND FOR STAFFING A PROJECT MANAGEMENT OFFICE TO FACILITATE AND ENABLE THE REPLACEMENT AND BUSINESS PROCESS CHANGE ACTIVITIES"



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3. Title, line 8.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 24.

**Following:** "Integration;"

**Insert:** "Planning, Development, Acquisition, Installation, Administration, and Implementation of Information Technology Systems to Replace Department of Revenue Information Technology Systems; Planning, Development, and Implementation of Business Process Changes to Facilitate and Enable the Replacement Activities; and Staffing a Project Management Office to Facilitate and Enable the Replacement and Business Process Change Activities;"

5. Page 2, line 11.

**Strike:** "\$134,816 of"

6. Page 2, line 12.

**Following:** "stabilization"

**Insert:** "and assessment"

7. Page 2, line 13.

**Following:** "project"

**Insert:** ", on planning, development, acquisition, installation, administration, and implementation of information technology systems to replace department of revenue information technology systems and planning, development, and implementation of business process changes to facilitate and enable the replacement activities, and on staffing of a project management office to facilitate and enable the replacement and business process change activities"

8. Page 2, line 28.

**Strike:** "The"

**Insert:** "Except as provided in this subsection, the"

9. Page 2, line 30 through page 3, line 1.

**Following:** "use" on page 2, line 30

**Strike:** remainder of line 30 through "million of" on page 3, line 1

**Following:** "stabilization"

**Insert:** "and assessment"

10. Page 3, line 2.

**Following:** "project"

**Insert:** ", on planning, development, acquisition, installation, administration, and implementation of information technology systems to replace department of revenue information technology systems and planning, development, and implementation of business process changes to facilitate and enable the replacement activities, and on staffing of a project management office to facilitate and enable the replacement and business process change activities"

11. Page 3, line 7.

**Insert:** "NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to acts and expenditures after November 1, 2002."

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And, as amended, do pass. Report adopted.

**HB 492**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** the second "AND"

**Strike:** "THE ADMINISTRATIVE EXPENSES"

**Insert:** "OTHER PROGRAMS"

2. Title, line 12.

**Following:** "AN"

**Strike:** "IMMEDIATE"

3. Page 7, line 16.

**Following:** "for"

**Strike:** "administrative expenses"

**Insert:** "Montana arts council programs"

4. Page 7, line 17.

**Following:** "for"

**Insert:** "cultural and aesthetic"

5. Page 7, line 30.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

2/12/2003

**HB 525**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "LICENSED"

**Insert:** "AS OTHER THAN A FIRST-CLASS OR SECOND-CLASS ENGINEER"

2. Title, line 7.

**Strike:** "AND"

**Insert:** ", BY"

**Strike:** "OR"

**Insert:** ", AND"

3. Page 2, line 24.

**Strike:** "Except" through "an"

**Insert:** "An"

4. Page 3, line 5.

**Strike:** "Except" through "an"

**Insert:** "An"

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5. Page 3, line 20.

**Strike:** "(5)"

**Insert:** "(3)"

6. Page 3, line 21.

**Strike:** "five"

**Insert:** "three"

7. Page 3, line 22.

**Strike:** "(5)"

**Insert:** "(3)"

8. Page 3, line 25.

**Strike:** "or"

**Insert:** "and"

And, as amended, do pass. Report adopted.

**HB 536**, introduced bill, be amended as follows:

1. Page 2, line 11 through line 12.

**Strike:** "states" on line 11 through "proven" on line 12

**Insert:** "is studying the possible links between mold and serious health conditions"

And, as amended, do pass. Report adopted.

**HJR 20**, be adopted. Report adopted.

**EDUCATION** (Andersen, Chairman):

2/13/2003

**HB 73**, do pass. Report adopted.

**HB 193**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "20-6-101"

**Insert:** "and 20-6-701"

2. Page 5, line 14.

**Following:** "million"

**Insert:** "from the general fund"

And, as amended, do pass. Report adopted.

**HB 459**, introduced bill, be amended as follows:

1. Page 11, line 26.

**Following:** "only,"

**Insert:** "if a district's fiscal year 2005 ANB is greater than its fiscal year 2004 ANB, then"

And, as amended, do pass. Report adopted.

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**JUDICIARY** (Shockley, Chairman):

2/12/2003

**HB 451**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 1, line 16 through line 17.

**Following:** "state" on line 16

**Strike:** "or charged" on line 16 through the first "state" on line 17

**Insert:** "court"

3. Page 1, line 18.

**Following:** "facility"

**Insert:** "if the person is at all times and in all places within the correctional facility kept physically separated from persons convicted in this state. The agreement must include provisions for returning the out-of-state inmate to the originating jurisdiction at least 90 days prior to the inmate's parole or release"

4. Page 1, line 19.

**Following:** "approval"

**Insert:** "of the agreement"

5. Page 1, line 22.

**Insert:** "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2006."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/13/2003

**HB 427**, introduced bill, be amended as follows:

1. Page 3, line 9.

**Strike:** "for" through "source"

2. Page 3, line 16 through line 17.

**Strike:** "for" on line 16 through "source," on line 17

3. Page 3, line 27.

**Strike:** "75-10-405"

**Insert:** "75-10-406"

4. Page 5, line 7.

**Strike:** "for" through "source,"

5. Page 7, line 4.

**Strike:** "for" through "source"

6. Page 7, line 11 through line 12.

**Strike:** "for" on line 11 through "source," on line 12

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7. Page 7, line 22.

**Strike:** "75-10-405"

**Insert:** "75-10-406"

8. Page 8, line 13.

**Strike:** "for" through "source,"

And, as amended, do pass. Report adopted.

**HB 433**, do pass. Report adopted.

**HB 436**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Strike:** "Titles"

**Insert:** "Title"

**Strike:** "and"

**Insert:** "or"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/13/2003

**SB 7**, be amended as follows:

1. Page 1, line 17.

**Strike:** "OR"

2. Page 1, line 19.

**Following:** "SYSTEM"

**Insert:** "; or

(c) by the board of trustees of a community college to serve as president"

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**SB 136**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

2/12/2003

**HB 47**, introduced by P. Clark

**HB 88**, introduced by Kasten

**HB 96**, introduced by Devlin

**HB 115**, introduced by Bookout-Reinicke

**HB 143**, introduced by Lambert

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

- HB 608**, introduced by Windy Boy, Ballantyne, Bergren, Bixby, Callahan, P. Clark, Cyr, Dickenson, Dowell, Franklin, Hansen, Jacobson, Jayne, Jent, Juneau, Lambert, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Weiss, referred to Federal Relations, Energy, and Telecommunications.
- HB 609**, introduced by Windy Boy, Ballantyne, Becker, Bergren, Bixby, Callahan, P. Clark, Cyr, Dickenson, Dowell, Franklin, Fritz, Gillan, Hansen, Hedges, Jacobson, Jayne, Jent, Juneau, Lambert, Laslovich, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, Weiss, referred to State Administration.
- HB 610**, introduced by Bergren, Nelson, Roush, referred to Local Government.
- HB 611**, introduced by Facey, referred to State Administration.
- HB 612**, introduced by P. Clark, referred to Fish, Wildlife and Parks.
- HB 613**, introduced by Lange, R. Brown, Everett, Lambert, A. Olson, B. Olson, referred to Business and Labor.
- HB 614**, introduced by Laslovich, Cyr, Facey, Gibson, Golie, Keane, Lenhart, referred to Fish, Wildlife and Parks.
- HB 615**, introduced by Franklin, Becker, Erickson, Gutsche, Kaufmann, referred to Judiciary.
- HB 616**, introduced by Younkin, referred to Taxation.
- HB 617**, introduced by Mendenhall, Grimes, referred to Natural Resources.
- HB 618**, introduced by Dickenson, Callahan, Hurwitz, Small-Eastman, Windy Boy, referred to Judiciary.
- HB 619**, introduced by Maedje, Bergren, Bookout-Reinicke, Brueggeman, Curtiss, Fuchs, Haines, Jackson, Lake, Lambert, Lange, B. Olson, Pattison, Peterson, Rice, Ripley, Sinrud, Steinbeisser, Stoker, B. Thomas, Witt, referred to Business and Labor.
- HB 620**, introduced by Maedje, Bergren, Curtiss, Everett, Jackson, Lambert, Lange, referred to Taxation.
- HB 621**, introduced by Sinrud, Barkus, Brueggeman, Cooney, Laible, Lindeen (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to State Administration.
- HB 622**, introduced by Lange, Bergren, Bookout-Reinicke, Cocchiarella, Cohenour, Cooney, Forrester, Gallus, Glaser, Harrington, Keane, Lawson, Morgan, Roush, Shea, Squires, F. Thomas, Tropila, referred to Business and Labor.
- HB 623**, introduced by Smith, referred to Taxation.
- HB 624**, introduced by Buzzas, referred to Appropriations.
- HB 625**, introduced by Buzzas, referred to Local Government.
- HB 626**, introduced by Kaufmann, referred to Natural Resources.
- HB 627**, introduced by Lindeen, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

- HJR 23**, introduced by Windy Boy, Ballantyne, Bergren, Bixby, Callahan, P. Clark, Cyr, Dowell, Erickson, Franklin, Fritz, Jacobson, Jayne, Jent, Juneau, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, Weiss, referred to Federal Relations, Energy, and Telecommunications.
- HJR 24**, introduced by D. Brown (by request of the House State Administration Standing Committee), referred to State Administration.
- HJR 25**, introduced by Juneau, Ballantyne, Bergren, Black, Callahan, E. Clark, Cobb, Dickenson, Franklin, Galvin-Halcro, Golie, Hansen, Kitzenberg, Lehman, McKenney, Musgrove, Parker, Ripley, Roush, B. Ryan, D. Ryan, Schmidt, Tester, Tropila, Wilson, Witt, referred to Local Government.
- HJR 26**, introduced by Younkin, R. Brown, Cooney, Cromley, Ellingson, Gillan, Glaser, Keenan, Mahlum, Mood, Schmidt, Squires, Stapleton, Tester, F. Thomas, Wanzenried, Wheat, referred to Federal Relations, Energy, and Telecommunications.
- HJR 27**, introduced by Forrester, Shea, referred to Business and Labor.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Branae in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 396** - Representative Gibson moved **HB 396** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lewis, Lindeen, Morgan, Musgrove, Parker, Raser, Ripley, Roberts, Ryan, Sales, Schruppf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 56

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Rome, Ross, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 44

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 400** - Representative Gillan moved **HB 400** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 73

Noes: Balyeat, Barrett, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Kasten, Laszloffy, Lewis, Morgan, B. Olson, Pattison, Peterson, Rice, Roberts, Sales, Shockley, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.

Total 27

Voted Absentee: Gallus, Ryan, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 501** - Representative Noennig moved **HB 501** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Fritz, Sinrud, Weiss.  
Total 3

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan, Lindeen.  
Total 2

**HB 507** - Representative Brueggeman moved **HB 507** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0



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Absent or not voting: Maedje.  
Total 1

**HB 381** - Representative R. Brown moved consideration of **HB 381** be passed for the day. Motion carried.

**HB 424** - Representative Jent moved **HB 424** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Fuchs, Hawk.  
Total 3

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 214** - Representative Shockley moved **HB 214** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Callahan.  
Total 1

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

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Absent or not voting: Fuchs.  
Total 1

**HB 337** - Representative Ripley moved **HB 337** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: D. Brown, Cyr, Jackson, Newman.  
Total 4

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 359** - Representative Galvin-Halcro moved **HB 359** do pass.

Representative Laslovich moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Hurwitz.  
Total 1

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Lehman.  
Total 1

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Motion that **HB 359** do pass carried as follows:

Ayes: Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 54

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 46

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 490** - Representative Buzzas moved **HB 490** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Branae moved the Committee of the Whole report be adopted. Report adopted

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as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Mendenhall, Rome, Sinrud.  
Total 3

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Small-Eastman.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 56** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 92

Noes: Jayne, Lewis, Sales, Younkin.  
Total 4

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Rome, Shockley.  
Total 2

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**HB 185** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Mr. Speaker.

Total 75

Noes: Balyeat, D. Brown, E. Clark, Fisher, Franklin, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Kasten, Keane, Lambert, Lehman, Malcolm, Rice, Sales, Sinrud, Smith, Wilson, Witt, Younkin.

Total 23

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 194** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 269** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake,

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Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: D. Brown, Kaufmann, Lambert, Lehman, Malcolm, Rice, Roberts, Sinrud, Witt.

Total 9

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 305** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Gallus, Ryan.

Total 2

Absent or not voting: Witt.

Total 1

**HB 331** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 73

Noes: Balyeat, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Fisher, Fuchs, Gallik, Gillan, Hawk, Hedges,

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Jackson, Jayne, Jent, Lambert, Maedje, Newman, Pattison, Peterson, Rome, Steinbeisser, Stoker, Waitschies, Mr. Speaker.

Total 24

Excused: Gallus, Ryan.

Total 2

Absent or not voting: Buzzas.

Total 1

**HB 372** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: E. Clark, Devlin, Erickson, Gutsche, Jent, Kaufmann, Ripley, Roberts, Waitschies.

Total 9

Excused: Gallus, Ryan.

Total 2

Absent or not voting: Sinrud.

Total 1

**HB 384** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Malcolm.

Total 1

Excused: Gallus, Ryan.

Total 2

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Absent or not voting: None.  
Total 0

**HB 186**, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Sales, Sinrud.  
Total 3

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: None.  
Total 0

**HR 2**, from the consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: None.  
Total 0



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**MOTIONS**

Representative R. Brown moved **HB 381** be taken from second reading this day and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 73** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**UNFINISHED BUSINESS**

Representative Wanzenried presented the Speaker with a letter. Speaker Mood thanked Representative Wanzenried for the letter and assured him he would meet with the President of the Senate and action would be taken.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HJR 17, HJR 18, SB 7.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, February 14, 2003. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 14, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House chamber.

Speaker Mood recognized President Keenan and yielded the chair to him.

House Majority Leader R. Brown moved the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction, Linda McCulloch. Motion carried.

The President appointed Senator Story, Senator Shea, Representative Schrumpf and Representative Facey to escort the Superintendent of Public Instruction into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and Superintendent of Public Instruction, Linda McCulloch, into the House chamber.

Invocation by Pastor Jim Stumbo of the Helena Alliance Church, Pledge of Allegiance to the Flag followed.

President Keenan welcomed Superintendent McCulloch, who gave the following address:

Good afternoon. I am happy to be here today.

I want to thank President Keenan, Speaker Mood, Senator Tester and Representative Wanzenried for the opportunity to deliver the State of Education address that brings us together to focus on the future of Montana's children.

In addition, I'd like to recognize Governor Martz, and my other colleagues and friends in the Executive and Judicial branches of Montana Government. And welcome to Allison Morrison, who has joined her father, our State Auditor.

Special thank you to my husband Bill for being here – my Valentine for 32 years.

I begin my address today with sincere words of thanks for the thousands of dedicated teachers, administrators, staff and trustees. You work tirelessly helping students learn and prepare for successful lives. Every day, your investment of time and love makes a difference in the lives of Montana's treasure — our children. Would all educators, staff or trustees in the audience, both in the gallery and on the floor, please stand? Let's give them a hand.

One of those educators is Jay Erdie, Superintendent in Roundup who has been an educator for almost 40 years. I am pleased to announce that Jay will be bringing his experience and expertise to Helena as my new Deputy Superintendent. Jay, my sincere thanks.

Today I greet students, educators and friends of education watching this address live. From Westby to Bonner and everywhere in between, OPT's video streaming technology makes this broadcast possible with the simple use of a

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personal computer.

Today's historic moment with technology is one small example of many changes taking place all around us. A lot has happened since I spoke two years ago. On September 11, 2001, our lives changed forever. We have all taken time since then to re-evaluate our priorities, how precious our families are, and how precious our children are.

In a single moment, educators across the country were called upon to help find answers to their students' grief and fear. Montana's educators rose to the challenge with compassion and dignity. Students wrote letters and poems, raised funds, and organized blood drives.

Fortunately, incidences of violence in Montana are rare. But we are not immune from the safety concerns we, as a nation, face. We are prepared. Crisis response plans are in place to help in the event of a tragedy. Montana's educators' role in healing and keeping communities together in a time of crisis is indispensable. We can't thank them enough.

I know that it can sometimes be difficult to see children through the numbers, charts and graphs. That is why I have invited a special guest to join me today. Let me tell you a little bit about her. She is a fourth grader at Jefferson Elementary School here in Helena. She is studious, an adoring big sister, takes ballet lessons and sells me Girl Scout cookies. And like thousands of other students, she rides a bus to school.

When we have tea together, she keeps me in touch with what is going on in our schools, what we can do better and what we do very well. Today, she represents 150,000 Montana students in K-12. Please join me in welcoming my friend and neighbor, Ellie Tinsley to the Montana Legislature.

Ellie represents our Montana students who rank among the top in the nation. For two years in a row, Montana students scored well above national averages in all grades and subject areas. Montana students in 8th grade nationally rank #1 in science and #2 in math. However, I am concerned that our high test scores are leveling. While other states that have significantly invested in education are seeing gains in their student scores, our scores aren't improving.

I am incredibly proud of our students. And I'm proud of parents, educators, and communities that support them. To the many communities across Montana who consistently vote to increase tax burdens that maintain quality public schools -- you need to know that our schools are preparing students, like Ellie and Allison, for the future.

I genuinely believe that we all want the same thing for Montana's students. We want educated and caring children.

We want informed, responsible citizens. We want our students to achieve their dreams and lead productive lives. And perhaps most importantly, we want our kids to believe they can stay, live and work in Montana.

Our commitment to our kids -- and to providing resources to help them succeed -- is about to be truly tested. We face a very real budget crisis. As a former legislator, I understand the difficult decisions that lay ahead. I also know as the State Superintendent and as a long-time-teacher, decisions made this legislative session will greatly affect our children's future.

There are those who would question our investment in education. I know:

When we invest in education, pre-school through college ... we build a stronger Montana for our children to live, work and raise a family.

When we invest in our children's education ... we build Montana's economy.

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When we Invest in public schools ... we create an incentive for businesses to locate in Montana.

We must invest in our school kids today.

School budgets are stretched to the breaking point. Montana's school enrollment is declining, because of a decline in birth rates. State support is then reduced due to our current funding formula. If a school loses as few as 8 kids, the school essentially has lost revenue equal to a teacher's salary. But what happens when the classroom teacher is still needed?

The reality is schools must make cuts to balance budgets. While the number of kids goes down, the school's operating budget does not drop in proportion. Many classroom costs, like utilities and building maintenance are fixed and ongoing.

Let me tell you what cuts to school budgets mean.

Classes will have more students, and our kids will get less personal attention in crucial early grades when kids are learning to read and write. At-risk kids will have fewer opportunities to keep them from dropping out of school.

Our young people will have limited vocational training to prepare them for the work force. Students will have more out-of-date textbooks and library books, and our kids will have fewer class offerings: from music to math.

Each school is finding its own solutions. I'm constantly amazed at the sheer will of educators, schools boards, and parents to find creative ways to make ends meet. We have a responsibility to our children that cannot be ignored.

As a whole, Montana educators are aging. Many retire; some move out of the state or leave the profession. In addition, Montana schools are not able to compete with the enticing salaries and employment benefits that other states offer our new teacher education graduates. We literally do not have enough new teachers staying in Montana to fill the job openings.

Without qualified teachers to replace them, the high quality education offered by our schools is in jeopardy. We need long-term solutions to our shortage of educators.

I am proud of the positive steps the Office of Public Instruction has taken:

Our website helps teachers find jobs and schools find teachers. More than 1100 job openings are currently posted on our Montana Jobs for Teachers site.

We are in the final stages of creating an on-line educator license renewal system to eliminate the paper-intensive process that exists today.

And a teacher internship program is in the works so that teachers can more easily master new subject areas.

I am committed to finding solutions to our school funding problems. Working together with the education community, as State Superintendent I proposed a school funding package last April. The package includes:

ANB averaging to help schools with a declining enrollment.

Student loan repayments, and increased retirement benefits for teachers who teach 30 or more years to help schools recruit and retain highly qualified teachers.

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A per-educator entitlement to create a new way to fund schools without relying on student count.

Increase in the basic and per ANB entitlements, and

Increase in special education funding.

This package reflects the full range of challenges facing schools.

I understand school funding increases will not happen without an increase in state revenues. An average week-long tourist visit to Montana generates only \$34 in taxes. Our neighbors in Wyoming collect \$122, and Utah \$239 for the same seven-day period. I have advocated this session for tourists visiting Montana to pay their fair share for upkeep to our state through a car rental tax and an increase in the bed tax. To prevent the decline of our public school system, we must identify long-term revenues that invest in education.

I have the honor of being elected by the people of Montana to make sure our state is providing services their children and grandchildren need. I am responsible for ensuring teachers are qualified, schools are accountable, and funds are distributed to schools, on time, every time, and much much more. I take these responsibilities very seriously.

This past year I visited many Montana schools and communities traveling in a yellow school bus along with members of my staff. I wanted to know how we could better deliver services and resources to Montana schools. Yes, the bus seats are still hard. But the travel is safe and reliable in all weather. The Yellow School Bus Tour was an opportunity to hear firsthand the strengths and challenges facing our public schools.

Here is a snapshot of a small part of what we learned:

Schools are the heart and soul of Montana communities. They serve as the hub of activity for local sports, arts and community events.

Pride extends everywhere in our schools and communities. Classrooms are full of students deeply immersed in learning. Parents are ready to lend "helping hands" in the classroom.

Our educators are community leaders.

Retired senior citizens are actively volunteering their time and talents to make a difference in children's lives.

Kids in our small and medium size schools need and deserve the same opportunities as kids in larger cities.

School and business partnerships are strong. Businesses support school-to-work partnerships, loan their employees to volunteer in schools and frequently provide needed resources and support.

Montana's economy lays front and center in school concerns. Nearly one quarter of all children in our state are from families living below the poverty level.

Every school is unique. We were grateful for the opportunity to dine on buffalo stew, learn traditional Indian dancing and drumming and hand games.

The very best way to learn the strengths and challenges of K-12 education is to spend time in your local school. They will be honored to have you visit.

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Today is "I love to read" day in Montana. There is no issue closer to my heart than reading and literacy. We know that if a child is not reading at grade level by the end of third grade, it is very difficult for them to catch up. I'm proud that Montana children rank high in the nation for reading, but too many children are still left behind.

In response, I launched a Montana Literacy Initiative. This summer will be our third Literacy Summit to bring together parents, educators, community and business leaders, and higher education to focus on the importance of literacy.

Montana responded to these summits with renewed energy and commitment to improve reading instruction for all our students. I pledge to continue these efforts!

We must address the challenges facing American Indian students in Montana. Thanks to Representative Juneau's leadership in research, we can no longer ignore the facts -- Montana's American Indian students drop out of school at a rate more than 3 times that of non-Indian students.

A generation of young men and women are left with little prospect for a future that an education can provide. It is expensive for Montana to support school dropouts. It is more expensive for our state to lose the potential of our youth.

I am committed to finding solutions. The Office of Public Instruction competed for and received three federal grants to invest in American Indian students.

Through a Reading Excellence Act grant, we now fund 30 schools to help them implement successful reading strategies for their students, of which nearly half are American Indian.

A federal school drop-out grant is funding six school districts in Box Elder, Browning, Heart Butte, Lame Deer, Poplar and Rocky Boy to identify community strategies that will help their youth stay in school. We are also developing a statewide drop-out plan.

We know that students drop out of school for many reasons. A character education grant helps schools create a positive, respectful school setting that promotes kids staying in school.

All Montana students deserve the opportunity to understand the rich American Indian culture and history in Montana. I commend Representative Norma Bixby for her dedication to obtain funds so all Montana students and schools can understand the culture and heritage of Montana's Indian people. Without financial support, our Constitutional promise of "Indian Education for All" will remain only a paper promise.

One year ago, President Bush signed into law his No Child Left Behind Act. This federal law places a high priority on education and a commitment to educate all children. But it comes with extensive and expensive accountability and state and local responsibilities. These have created new challenges, especially to rural states. The good news is this new federal law brings resources for Montana's K-12 public education system. BUT these resources come with many requirements. For example, this federal law requires much more testing of our students than is currently required by our Montana Board of Public Education. Student assessment decisions should be left to individual states.

When student test scores do not improve enough, President Bush's No Child Left Behind law requires the state to take actions regarding a school's curriculum and staffing. This greatly concerns me, as it does local school trustees. While being accountable is a good thing, we have always believed that decisions should be made at the local level. Those beliefs have served us well.

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These are just a couple of my concerns. We will need to work together throughout the coming years to make this new federal law beneficial to all of Montana's students.

In the past 50 years science and technology has radically changed our lifestyle and economy. It used to be simple to look under the hood of your car to figure out what was wrong. Not any more. Today's specialized diagnostic equipment is essential to root out computer-based engine solutions. Gone is the day that all you needed was a toolbox with a couple of wrenches.

Since 1950, the demand for skilled labor has more than tripled. Businesses now expect a workforce to have a set of skills that were unimaginable even 30 years ago. Think about it: Teachers prepare students for career options that do not even exist today.

Education will prepare our children and grandchildren for this new century.

Education allows them to compete in a world where all sectors of the economy – from microchips to mining – depend on high tech skills and training.

Education is the engine that drives economic development. Businesses will absolutely not locate in Montana if we do not provide a well-educated workforce and a place where they will want their own children to go to school. Education is the key to moving Montana's economy forward.

I have great faith in the collective commitment of Montana's parents, educators, school staff, school boards, senior citizens, business partners and community members. Together we will invest in building a bright future for our children.

We Montanans can do whatever we put our minds to. Let me tell you about a very special senior citizen who didn't let anything stop him from making his dreams a reality.

This gentleman, a retired Bonner millworker, began volunteering many years ago at the local elementary school. The students already knew him as his barbecue grill fed many hamburgers for years to the neighborhood kids. He helped students, kindergarten through 8<sup>th</sup> grade, with their reading skills and learning to use the computer. After a number of years, the 8<sup>th</sup> grade class asked him to be their graduation speaker. He said he couldn't possibly speak in front of all those people. Yet, it nagged at him -- he had encouraged the kids to reach for high goals. To be a better role model, eventually he agreed to be the speaker. It was the best graduation speech I've ever heard.

Later we learned that he had dropped out of college in 1948, during a required speech class. And he often thought about not finishing his education. So, 50 years after dropping out of college, he enrolled in a speech class and returned to the University of Montana. He passed, took more classes, and then he enrolled in the teacher education program.

Today, at 75 years young, he is finishing up his last classes and will do his student teaching next school year. Help me welcome an inspiration to education, my friend Mr. Arnold "ODE" Odegard. Please stand up and be recognized, Ode.

Ode is an example of an amazing talent pool Montana has in its school volunteers, our educators and our emerging new teachers. Without a doubt, "Ode" deserves our deep appreciation for his investment in Montana's children. Just seeing both Ellie and Ode side by side reminds me what Montana is really all about: Generations working together for a better future for our children.

I'd like to thank the kids watching this on the Internet. Knowing you are out there helped me focus my thoughts

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and keep my priorities straight. Perhaps that is what Montanans can ask of all of us over the remainder of this session. To remember our children are listening to the priorities we set. The decisions we make will shape their lives.

Today's students will become tomorrow's business, spiritual, community and school leaders. They will also become Montana's legislators, governors, judges and state superintendents. Montana students are our greatest treasure; when we invest in them, there is no telling where they can take this state.

On behalf of Montana's 150,000 school children and all who work on behalf of public education in our state, I thank you for your time today and your interest in Montana's public schools. My door is always open and I look forward to your visit.

President Keenan thanked Superintendent McCulloch for her address, and requested the escort committee to escort Superintendent McCulloch from the House chamber.

House Majority Leader R. Brown moved the joint session be adjourned. Motion carried.

Joint session adjourned at 1:42 p.m.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/14/2003  
Correctly printed: **HB 73, HB 176, HB 433, HJR 15, HJR 17, HJR 18, HJR 20, SB 136.**  
Correctly engrossed: **HB 193, HB 236, HB 427, HB 436, HB 451, HB 459, HB 492, HB 525, HB 536, SB 7.**  
Correctly enrolled: **HB 47, HB 88, HB 96, HB 115, HB 143.**  
Examined by the sponsor and found to be correct: **HB 47, HB 88, HB 96, HB 115, HB 143.**  
Signed by the Speaker at 9:20 a.m., February 14, 2003: **HB 47, HB 88, HB 96, HB 115, HB 143.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/13/2003  
**HB 539**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 555**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/13/2003  
**HB 443**, introduced bill, be amended as follows:

1. Title, line 14.  
**Following:** "75-20-216,"  
**Insert:** "75-20-223,"

2. Page 11.  
**Following:** line 14  
**Insert:** "**Section 10.** Section 75-20-223, MCA, is amended to read:  
    "**75-20-223. Board review of department decisions.** (1) A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6.  
    (2) A person aggrieved by the final decision of the department on an application for amendment of a



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certificate may within 15 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6.

(3) A person aggrieved by the department's decision not to include an environmental impact statement or analysis in the department's findings pursuant to 75-20-216 may within 30 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6."

**Renumber:** subsequent sections

3. Page 14, line 5.

**Strike:** "77-20-104(8)"

**Insert:** "75-20-104"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):  
**HB 262**, introduced bill, be amended as follows:

2/14/2003

1. Page 1, line 15.

**Following:** "protect"

**Insert:** "humans,"

**Following:** "livestock"

**Insert:** ", "

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):  
**SB 164**, be concurred in. Report adopted.

2/13/2003

**JUDICIARY** (Shockley, Chairman):  
**HB 358**, introduced bill, be amended as follows:

2/13/2003

1. Title, page 1, line 6.

**Following:** "COUNTIES"

**Insert:** "WITH A POPULATION EXCEEDING 20,000"

2. Title, page 1, line 10 through line 11.

**Strike:** "PROVIDING" on line 10 through "COURT;" on line 11

3. Title, page 1, line 14.

**Strike:** "3-10-204,"

4. Title, page 1, line 15.

**Strike:** "3-10-601,"

5. Page 4, line 7.

**Following:** "7-1-2111,"

**Insert:** "with a population exceeding 20,000"

6. Page 4, line 9.

**Strike:** "10"

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**Insert:** "8"

**Strike:** "12"

**Insert:** "10"

**Following:** "12."

**Insert:** "The court's proceedings must be recorded by electronic recording or stenographic transcription and all papers filed in a proceeding must be included in the record."

7. Page 5, line 2.

**Strike:** "12"

**Insert:** "10"

8. Page 5, line 4 through line 13.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

9. Page 5, line 27 through page 6, line 20.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

10. Page 8, line 11.

**Strike:** "10"

**Insert:** "8"

11. Page 8, line 19.

**Strike:** "10"

**Insert:** "8"

12. Page 9, line 9.

**Strike:** "10"

**Insert:** "8"

**Strike:** "12"

**Insert:** "10"

13. Page 9, line 10.

**Strike:** "10"

**Insert:** "8"

14. Page 9, line 11.

**Strike:** "12"

**Insert:** "10"

And, as amended, do pass. Report adopted.

**HB 390**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Following:** "means"

**Insert:** ":(a)"

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**Following:** "entity"

**Insert:** "; and (b) the attorney general with respect to the state, except a unit of the university system"

2. Page 3, line 4.

**Following:** "records,"

**Insert:** "payments,"

3. Page 3, line 5.

**Following:** "16"

**Insert:** ", or made to the department of natural resources and conservation under Title 77"

4. Page 3, line 6.

**Following:** "citizen"

**Insert:** "or governmental entity"

5. Page 3, line 7 through line 9.

**Strike:** subsection (a) in its entirety

**Insert:** "(a) against a governmental entity or an officer or employee of a governmental entity arising from conduct by the officer or employee related to the officer's or employee's service to the governmental entity;"

6. Page 3, line 11.

**Following:** "which"

**Insert:** "an agency of"

7. Page 3, line 17.

**Following:** "entity"

**Insert:** "agency that is involved with the claim that is the basis for the complaint"

8. Page 4, line 2 through line 3.

**Strike:** "a complaint" on line 2 through "[section 3]" on line 3

**Insert:** "with the government attorney a notice"

**Following:** "violation" on line 3

**Insert:** "of [section 3]"

9. Page 4, line 4.

**Strike:** "serve on"

**Insert:** "file with"

10. Page 4, line 4 through line 5.

**Strike:** "copy of" on line 4 through "including a" on line 5

**Following:** "brief," on line 5

**Strike:** "and"

**Insert:** "including a"

11. Page 4, line 5 through line 6.

**Strike:** "within 3 days" on line 5 through "complaint" on line 6

12. Page 4, line 7.

**Strike:** "complaint"

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**Insert:** "notice and brief"

13. Page 4, line 7 through line 8.

**Strike:** "intervene" on line 7 through "plaintiff" on line 8

**Insert:** "file a complaint under [sections 3 and 5]"

**Strike:** "making the election" on line 8

**Insert:** "filing a complaint"

14. Page 4, line 9 through line 18.

**Strike:** line 9 through line 18 in their entirety

**Insert:** "(3) If the government attorney files a complaint, the private citizen may enter the action as a coplaintiff, but the government attorney has control of the plaintiffs' strategy, tactics, and other decisionmaking. If the government attorney does not file a complaint within the time allowed under subsection (2), the private citizen may file a complaint."

15. Page 4, line 19.

**Strike:** "(b)"

**Insert:** "(4)"

**Renumber:** subsequent subsection

16. Page 4, line 19 through 20

**Strike:** "in which" on line 19 through "not intervene" on line 20

**Insert:** "that the government attorney declined to file"

17. Page 4, line 20 through line 21.

**Strike:** "or intervened" on line 20 through "dismissed" on line 21

18. Page 4, line 24 through line 25.

**Strike:** "or had" on line 24 through "dismissed" on line 25

19. Page 5, line 18.

**Strike:** "the"

**Insert:** "an"

20. Page 5, line 19.

**Strike:** the first "private citizen"

**Insert:** "governmental entity under [section 6(2)] and the private citizen elected not to enter the action as a coplaintiff"

21. Page 5, line 21 through line 22.

**Strike:** "if the" on line 21 through "action" on line 22

22. Page 5, line 25 through line 26.

**Strike:** "if the" on line 25 through "6(3)(b)]" on line 26

23. Page 6, line 1.

**Following:** "entity"

**Insert:** ", except that if a trust fund of the governmental entity suffered a loss as a result of the defendant's actions, the trust fund must first be fully reimbursed for the loss and the remainder of the damages and any civil

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penalty must be deposited in the general fund of the governmental entity"

24. Page 6, line 5.

**Following:** "prevails."

**Insert:** "In an action in which outside counsel represents a governmental entity, the costs and attorney fees awarded a governmental entity must equal the outside counsel's charges reasonably incurred by the governmental entity for costs and attorney fees in prosecuting the action. In any other actions in which costs and attorney fees are awarded a governmental entity, they must be calculated by reference to the hourly rate charged by the department of justice agency legal services bureau for the provision of legal services to state agencies, multiplied by the number of attorney hours devoted to the prosecution of the action, plus the actual cost of any expenses reasonably incurred in the prosecution of the action."

25. Page 6, line 6.

**Strike:** "files a complaint"

**Insert:** "is a plaintiff or coplaintiff"

26. Page 6, line 7 through line 8.

**Strike:** ", whether" on line 7 through "intervened" on line 8

27. Page 6, line 11.

**Strike:** "filed the complaint and the governmental entity intervened"

**Insert:** "and a governmental entity were coplaintiffs"

28. Page 6, line 21 through line 22.

**Strike:** "all relief necessary" on line 21 through "including" on line 22

**Insert:** ":",

29. Page 6, line 25.

**Strike:** "two times the amount of"

30. Page 6, line 26.

**Following:** "discrimination;"

**Insert:** "and"

31. Page 6, line 27.

**Strike:** subsection (iv) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 430**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 9.

**Strike:** "INCREASING" on line 7 through "CASE;" on line 9

2. Page 1, line 12 through line 18.

**Strike:** lines 12 through 18 in their entirety

3. Page 2, line 4.

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**Strike:** "6"  
**Insert:** "5"  
**Strike:** "\$25,000"  
**Insert:** "\$5,000"

4. Page 2, line 6 through line 8.  
**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**HB 546**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.  
**Strike:** "PROVIDING" on line 7 through "AND" on line 8

2. Title, page 1, line 9.  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 13 through line 14.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 2, line 9.  
**Following:** "fined"  
**Insert:** "an amount"

5. Page 2, line 13.  
**Following:** "fined"  
**Insert:** "an amount"

6. Page 2, line 14.  
**Following:** "years,"  
**Insert:** "all but 2 years of which must be suspended, with the person placed on probation for the remainder of the imprisonment term,"

7. Page 2, line 15.  
**Following:** "fined"  
**Insert:** "an amount"

8. Page 3, line 19 through line 20.  
**Strike:** section 3 in its entirety

9. Page 3, line 21.  
**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/14/2003

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**HB 395**, do pass. Report adopted.

**HB 408**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 511**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "2005"

**Insert:** "2006"

2. Page 1, line 28.

**Strike:** "2005"

**Insert:** "2006"

3. Page 2, line 8.

**Strike:** "2005"

**Insert:** "2006"

4. Page 4, line 21.

**Strike:** "2005"

**Insert:** "2006"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/13/2003

**HB 277**, do pass. Report adopted.

**HB 471**, do pass. Report adopted.

**SB 195**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "PROVIDE"

**Insert:** "SECURE OUTSIDE"

2. Page 1, line 17.

**Strike:** "provide"

**Insert:** "secure outside"

And, as amended, be concurred in and placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

2/13/2003

**SB 241**, introduced by Shea

**House bills** concurred in and returned to the House:

2/13/2003

**HB 93**, introduced by Lawson

**HB 168**, introduced by Callahan

**HB 208**, introduced by Shockley

**HB 209**, introduced by Shockley

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**HB 233**, introduced by Waitschies

**MESSAGES FROM THE GOVERNOR**

February 13, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 39** sponsored by Representative Gallik, **House Bill 46** sponsored by Representative Haines, **House Bill 48** sponsored by Representative Newman, **House Bill 68** sponsored by Representative Kaufmann, **House Bill 78** sponsored by Representative Branae, and **House Bill 84** sponsored by Representative Newman on February 13, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 628**, introduced by Kasten (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Federal Relations, Energy, and Telecommunications.

**HB 629**, introduced by Keane, Wanzonried, Wilson, referred to Business and Labor.

**HB 630**, introduced by A. Olson, Brueggeman, Lawson, Ripley, Rome, D. Ryan, Wilson, referred to Education.

**HB 631**, introduced by Lake, Mahlum, McNutt, referred to Business and Labor.

**HB 632**, introduced by Smith, Bixby, Cohenour, Cyr, Gillan, Jacobson, Jent, Kitzenberg, Lindeen, Small-Eastman, Weiss, referred to Appropriations.

**HB 633**, introduced by Brueggeman, Bales, Barrett, Devlin, Peterson, Ripley, Tash, Witt, referred to Fish, Wildlife and Parks.

**HB 634**, introduced by Kaufmann, Dowell, referred to Business and Labor.

**HB 635**, introduced by Forrester, Bohlinger, Cromley, A. Olson, referred to Business and Labor.

**HB 636**, introduced by Forrester, Bohlinger, Cromley, A. Olson, referred to Business and Labor.

**HB 637**, introduced by Raser, referred to Federal Relations, Energy, and Telecommunications.

**HB 638**, introduced by Kaufmann, Gillan, referred to Business and Labor.

**HB 639**, introduced by Laslovich, referred to Judiciary.

**HB 640**, introduced by Haines, referred to Business and Labor.

**HB 641**, introduced by Haines, referred to Federal Relations, Energy, and Telecommunications.

**HB 642**, introduced by Devlin, Forrester, Gallus, Laszloffy, McNutt, Mendenhall, A. Olson, Ripley, Shea, Smith, Steinbeisser, F. Thomas, referred to Taxation.

**HB 643**, introduced by Balyeat, Barrett, R. Brown, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Maedje, Mendenhall, Mood, Rice, Ripley, Roberts, Rome, Sales, Schrupf, Sinrud,



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Wagman, Waitschies, Younkin, referred to Appropriations.

**HB 644**, introduced by Rice, Andersen, Barrett, Hurwitz, Lehman, Mendenhall, Ripley, Rome, Steinbeisser, Wagman, referred to Agriculture.

**HB 645**, introduced by Haines, Laible, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 28**, introduced by Lange, Haines, referred to Local Government.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devlin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 306** - Representative Balyeat moved **HB 306** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Smith, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Younkin, Mr. Speaker.  
Total 73

Noes: Barrett, Bixby, Buzzas, Devlin, Dickenson, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Hurwitz, Jent, Juneau, Kaufmann, Matthews, Musgrove, Peterson, Ripley, Small-Eastman, Steinbeisser, Thomas, Wilson, Windy Boy, Witt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, P. Clark, Shockley.  
Total 3

**HB 402** - Representative Parker moved **HB 402** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy

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Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 428** - Representative Keane moved **HB 428** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: E. Clark, Jackson, Waitschies.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 438** - Representative Forrester moved **HB 438** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Barrett, R. Brown, Hurwitz, McKenney, Rice, Sinrud.  
Total 6

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453** - Representative Raser moved **HB 453** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 474** - Representative Weiss moved **HB 474** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Schruppf, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Brueggeman, Everett, Fisher, Fuchs, Hurwitz, Kasten, Lewis, Maedje, Noennig, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Witt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Forrester, Haines.  
Total 2

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Devlin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Franklin, Golie, Gutsche, A. Olson.

Total 4

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Small-Eastman.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 214** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 339**, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 489**, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Lewis, Sinrud.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 496**, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,

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Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 337** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jackson, Roberts.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 359** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Rome, Ryan, Schruppf, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 57

Noes: Andersen, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs,

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Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 396** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Morgan, Musgrove, B. Olson, Parker, Raser, Ripley, Roberts, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 59

Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lambert, Lange, Laszloffy, Lehman, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, Pattison, Peterson, Rice, Rome, Ross, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 400** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, R. Brown, E. Clark, Everett, Fuchs, Haines, Hawk, Hedges, Hurwitz, Kasten, Laszloffy, Morgan, B. Olson, Pattison, Peterson, Rice, Sales, Shockley, Steinbeisser, Stoker, Waitschies, Witt.

Total 23

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 424** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Fuchs, Hawk.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 490** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 501** passed as follows:



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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 507** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Stoker.  
Total 1

**MOTIONS**

Representative R. Brown moved **HJR 23** be taken from the Committee on Federal Regulations, Energy, and Telecommunication and be rereferred to the Committee on Agriculture. There being no objection, so ordered.

Representative R. Brown moved **HB 590** be taken from the Committee on State Administration and be rereferred to the Committee on Human Services. There being no objection, so ordered.

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Representative R. Brown moved **HB 193** be taken from the Committee on Education and be rereferred to the Committee on Appropriations. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Shockley, Sinrud, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Carney moved **HB 74** be taken from the Committee on Appropriations and be placed on second reading on Legislative Day 35.

Representative Brueggeman moved to table previous motion to rerefer **HB 74**. Motion passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

Representative Shockley moved **HB 430** be taken from the Committee of the Whole and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

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**SPECIAL ORDERS OF THE DAY**

The following cosponsor was added to **HJR 25**: Mangan.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 7:00 a.m., Saturday, February 15, 2003. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 15, 2003

House Chambers  
State Capitol

House convened at 7:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Pat Carlisle and piano accompaniment by Pat's first grade teacher Representative Schrumpf. In acknowledgment of Black Awareness Month Pat sang a gospel hymn.

Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby and Juneau, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/15/2003  
Correctly printed: **HB 277, HB 395, HB 408, HB 471, HB 539, HB 555, SB 164.**  
Correctly engrossed: **HB 262, HB 358, HB 390, HB 430, HB 443, HB 511, HB 546, SB 195.**

**AGRICULTURE** (Rice, Chairman): 2/14/2003  
**HB 455**, introduced bill, be amended as follows:

1. Page 3, line 27.

**Following:** "ingredients."

**Insert:** "The department shall provide at least 2 hours' notice prior to the inspection and must be accompanied by the owner or the owner's representative."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 2/14/2003  
**HB 577**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/14/2003

**SB 160**, introduced by Cobb  
**SB 168**, introduced by Stonington  
**SB 209**, introduced by Tester  
**SB 281**, introduced by Butcher  
**SB 325**, introduced by McGee

**House bills** concurred in and returned to the House: 2/14/2003

**HB 79**, introduced by Jackson  
**HB 114**, introduced by Jent  
**HB 238**, introduced by Andersen  
**HB 248**, introduced by Balyeat

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 646**, introduced by Franklin, Ellingson, referred to Business and Labor.  
**HB 647**, introduced by B. Thomas, referred to Human Services.  
**HB 648**, introduced by Younkin, referred to Business and Labor.  
**HB 649**, introduced by P. Clark, referred to Fish, Wildlife and Parks.  
**HB 650**, introduced by Harris, referred to Appropriations.  
**HB 651**, introduced by Harris, referred to State Administration.  
**HB 652**, introduced by Hedges, referred to Fish, Wildlife and Parks.  
**HB 653**, introduced by Lambert, Lange, B. Olson, Peterson, Witt, referred to Agriculture.  
**HB 654**, introduced by Jayne, referred to Judiciary.  
**HB 655**, introduced by Jayne, referred to State Administration.  
**HB 656**, introduced by Bitney, referred to Business and Labor.  
**HB 657**, introduced by Parker, referred to Transportation.

Majority Leader Brown moved that the House recess until 7:08 a.m. for caucuses. Motion carried.

House recessed at 7:30 a.m.

House reconvened at 7:33 a.m.

All members present, except Representatives Bixby and Juneau, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the day:

Shantyl Hollingsworth, Butte  
Patrick Lopach, Helena  
Jennifer Lynch, Butte

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 306** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Barrett, Brueggeman, Buzzas, E. Clark, Devlin, Dickenson, Erickson, Fritz, Galvin-Halcro, Gutsche, Hedges, Hurwitz, Kaufmann, Musgrove, Ripley, Steinbeisser, Thomas.

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Total 17

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**HB 402** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**HB 428** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 90

Noes: E. Clark, Devlin, Hedges, Jackson, Pattison, Sinrud, Waitschies, Mr. Speaker.

Total 8

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

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**HB 438** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: R. Brown, McKenney, Rice, Sinrud.

Total 4

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**HB 453** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**HB 474** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross,

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Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 77

Noes: Barrett, D. Brown, Brueggeman, Everett, Fuchs, Hurwitz, Kasten, Lewis, Maedje, Malcolm, Noennig, Pattison, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker.

Total 20

Excused: Bixby, Juneau.

Total 2

Absent or not voting: Hedges.

Total 1

**HJR 17**, from the consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bixby, Juneau.

Total 2

Absent or not voting: Fuchs, Stoker.

Total 2

**HJR 18**, from the consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0



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Excused: Bixby, Juneau.  
Total 2

Absent or not voting: Thomas.  
Total 1

**SB 7**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Galvin-Halcro, Sinrud, Wilson.  
Total 3

Excused: Bixby, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 478** - Representative Peterson moved **HB 478** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Galvin-Halcro, Jayne, Windy Boy.

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Total 3

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan, Golie.

Total 2

Representative Bergren excused at this time.

**HB 521** - Representative Balyeat moved **HB 521** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Buzzas, Callahan, Dickenson, Erickson, Franklin, Fritz, Gallus, Jayne, Kaufmann, Lenhart, Lindeen, Parker, Ryan, Wilson.  
Total 14

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 8** - Representative R. Brown moved consideration of **HJR 8** be passed for the day. Motion carried.

**HB 193** - Representative Branae moved **HB 193** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 59

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt,

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Younkin, Mr. Speaker.  
Total 41

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 277** - Representative Lindeen moved **HB 277** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kaufmann, Lake, Laslovich, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Windy Boy, Witt, Younkin.  
Total 67

Noes: Andersen, R. Brown, Buzzas, Cyr, Franklin, Gallus, Gillan, Haines, Jacobson, Jayne, Juneau, Kasten, Keane, Lambert, Lange, Laszloffy, Lawson, Lewis, Maedje, Musgrove, Newman, A. Olson, Roberts, Rome, Ross, Sales, Sinrud, Wagman, Wanzenried, Weiss, Wilson, Mr. Speaker.  
Total 32

Voted Absentee: Bergren, Bixby, Ayes; Juneau, No.

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 373** - Representative A. Olson moved **HB 373** do pass.

Representative Laszloffy moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Becker, Buzzas, Dickenson, Erickson, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Kaufmann, Keane, Mendenhall, Raser, Small-Eastman, Wanzenried, Windy Boy.

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Total 16

Excused: Bergren, Bixby, Juneau.

Total 3

Absent or not voting: D. Brown, Fuchs.

Total 2

Motion that **HB 373** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Becker, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Parker, Raser, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 35

Voted Absentee: Bergren, Aye; Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 427** - Representative Gutsche moved **HB 427** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 78

Noes: Barrett, Brueggeman, Devlin, Hawk, Hurwitz, Jackson, Kasten, Lange, Lehman, Maedje, B. Olson, Rice, Ripley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Witt, Mr. Speaker.

Total 20

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

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Total 0

Absent or not voting: Fuchs, Lambert.

Total 2

**HB 433** - Representative P. Clark moved **HB 433** do pass.

Representative Younkin moved **HB 433**, second reading copy, be amended as follows :

1. Page 1, line 16.

**Strike:** "or"

**Following:** "department"

**Insert:** ", or other surety considered to be prudent and approved by the board of investments"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bergren, Bixby, Juneau.

Total 3

Absent or not voting: Callahan.

Total 1

Motion that **HB 433**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 435** - Representative Sinrud moved **HB 435** do pass.

Representative Cohenour moved consideration of **HB 435** be passed for the day. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Weiss, Wilson, Windy Boy.

Total 40

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 56

Excused: Bergren, Bixby, Juneau.

Total 3

Absent or not voting: Fuchs.

Total 1

Motion that **HB 435** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Becker, Callahan, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fritz, Galvin-Halcro, Kaufmann, Keane, Musgrove, Ryan, Small-Eastman.

Total 15

Voted Absentee: Bergren, Bixby, Ayes.

Excused: Juneau.

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Total 1

Absent or not voting: None.

Total 0

**HB 436** - Representative A. Olson moved **HB 436** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 97

Noes: None.

Total 0

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Lindeen, Mr. Speaker.

Total 3

**HB 451** - Representative E. Clark moved **HB 451** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Branae, Buzzas, Carney, P. Clark, Cohenour, Erickson, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gutsche, Jacobson, Jayne, Kaufmann, Raser, Wanzenried, Weiss.

Total 18

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Lindeen.

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Total 1

**HB 456** - Representative Parker moved **HB 456** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 459** - Representative R. Brown moved consideration of **HB 459** be passed for the day. Motion carried.

**HB 471** - Representative Wanzenried moved **HB 471** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bergren, Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs, Hedges, Noennig.

Total 3



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**HB 482** - Representative R. Brown moved consideration of **HB 482** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Laslovich excused at this time.

**HB 525** - Representative Keane moved **HB 525** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Bixby, Jackson, Lawson.

Total 3

Voted Absentee: Bergren, Juneau, Laslovich, Ayes; Bixby, No.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

**HB 555** - Representative Bitney moved **HB 555** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Waitschies.

Total 1

Voted Absentee: Bergren, Bixby, Juneau, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Newman.

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Total 1

**HJR 3** - Representative Lawson moved **HJR 3** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bergren, Bixby, Juneau, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Erickson, Everett.

Total 2

**HJR 4** - Representative Lange moved **HJR 4** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 99

Noes: None.

Total 0

Voted Absentee: Bergren, Bixby, Juneau, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

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**HJR 10** - Representative Lawson moved **HJR 10** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Bixby.

Total 1

Voted Absentee: Bergren, Juneau, Laslovich, Ayes; Bixby, No.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HJR 15** - Representative Wagman moved **HJR 15** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Raser, Wanzenried, Weiss, Windy Boy.

Total 21

Voted Absentee: Bergren, Bixby, Juneau, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HJR 20** - Representative Roberts moved **HJR 20** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Galvin-Halcro, Gillan, Golie, Jayne.

Total 4

Voted Absentee: Bergren, Bixby, Juneau, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 482** - Representative R. Brown moved consideration of **HB 482** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Carney, P. Clark, Cyr, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Lindeen, Ryan, Wanzenried, Windy Boy.

Total 12

Excused: Bergren, Bixby, Juneau, Laslovich.

Total 4

Absent or not voting: Callahan, Erickson, Fritz, Hawk, Laszloffy, Lehman, Mendenhall, Morgan, Schrumpf.

Total 9

**MOTIONS**

Representative R. Brown moved **HB 590** be taken from the Committee on Human Services and be rereferred to the Committee on State Administration. There being no objection, so ordered.

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Representative R. Brown moved **HB 193** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 459** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 482** be taken from second reading and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him singing Happy Birthday to Representatives Rome and R. Brown.

The following cosponsors were added to **HB 506**: Buzzas, Ellingson, Fritz, Gutsche, Harrington, Harris, Kaufmann, Small-Eastman.

The following cosponsors were added to **HB 520**: Bohlinger, Branae, Carney, Cohenour, Cyr, Ellingson, Forrester, Haines, Kaufmann, Laslovich, Schmidt, Stonington.

The following bills were **placed** on the consent calendar: **HB 408, HB 511, HB 539, SB 195**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, February 17, 2003. Motion carried.

House adjourned at 11:15 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 17, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jackson.

Posting of the colors by the Boy Scout Troop 4 of Great Falls. Pledge of Allegiance to the Flag followed..

Roll Call. All members present, except Representatives Facey and Parker, excused. Quorum present.

The Speaker introduced the recently appointed Consul General Christopher Thomson, a career diplomat with Canada's Department of Foreign Affairs and International Trade. He will serve at the mission in Minneapolis, one of eleven Canadian foreign missions in the United States. As Consul General, Thomson will be responsible for the conduct of Canada's bilateral relationships with eight Midwest and Rocky Mountain states, including Montana. Consul General Thomson then delivered his speech.

Representative Sinrud introduced the Heritage Signers from the Heritage Christian School and their teacher Wendy Thiesen. These 15 students ranging from 4th to 8th grade have dedicated their time and effort to communicate with the hearing impaired and have performed for the Montana Special Olympics, Montana State Senate, the Governor's Prayer Breakfast, the Big Sky State Games, and the Montana School for the Deaf and Blind. The signers performed two songs for the House.

The Speaker introduced the 16th President of the United States, the honorable Abraham Lincoln. President Lincoln visits the capitol of Montana on the day the Territory has set aside to celebrate his 194th birthday, Monday, February 17, 2003. The President shared a few thoughts with the Territorial House. President Lincoln was performed by Representative Nancy Fritz's husband, Harry Fritz.

Mr. Speaker introduced the pages of the week:

Mike Corr, Missoula  
Tyler Crennen, Billings  
Patrick Murphy, Helena  
Ann Mary Olson, Wolf Point  
Ashlee Robison, Butte  
Michael Sherwood, Helena  
AshLee Strong, Billings  
Dusty Lindeen, Huntley

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/17/2003

Correctly printed: **HB 577.**

Correctly engrossed: **HB 455.**

Correctly enrolled: **HB 93, HB 168, HB 208, HB 209, HB 233.**

Examined by the sponsor and found to be correct: **HB 93, HB 168, HB 208, HB 209, HB 233,**

**HR 2.**

Signed by the Speaker at 8:40 a.m., February 17, 2003: **HB 93, HB 168, HB 208, HB 209, HB 233.**

Signed by the Speaker at 10:20 a.m., February 17, 2003: **HR 2.**

Delivered to the Governor for approval at 7:40 a.m., February 17, 2003: **HB 47, HB 88, HB 96,**

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**HB 115, HB 143.**

Delivered to the Secretary of State at 11:15 a.m., February 17, 2003: **HR 2.**

**APPROPRIATIONS** (Lewis, Chairman):  
**HB 363**, introduced bill, be amended as follows:

2/17/2003

1. Title, page 1, line 9.

**Following:** "1990;"

**Insert:** "TRANSFERRING TO THE GENERAL FUND MONEY FROM CLAIMS OCCURRING BEFORE JULY 1, 1990;"

2. Title, page 1, line 10.

**Following:** "FUND"

**Strike:** "AND THE TEACHER SIGNING BONUS PROGRAM"

3. Page 2, line 13.

**Strike:** "and"

4. Page 2, line 14.

**Following:** "20-9-543"

**Insert:** "; and

(iii) the amount of \$9,178,000 must be transferred to the general fund to be set aside as unreserved designated fund balance in the general fund to mitigate the general fund cost of workforce reductions"

5. Page 2, line 30.

**Strike:** "\$2 million"

**Insert:** "\$3,522,295"

**Following:** "fund"

**Insert:** "to be set aside as unreserved designated fund balance in the general fund to mitigate the general fund cost of workforce reductions"

6. Page 3, line 1 through line 2.

**Strike:** "teacher" on line 1 through "1542]" on line 2

**Insert:** "state general fund"

7. Page 3, line 4 through line 8.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):  
**HB 381**, introduced bill, be amended as follows:

2/17/2003

1. Title, page 1, line 11.

**Strike:** "WITH THE ENACTMENT OF"

**Insert:** "BY"

**Following:** "OF A"

**Insert:** "GENERAL STATEWIDE"

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2. Page 1, line 26.

**Strike:** "with the enactment of"

**Insert:** "by"

**Following:** "a"

**Insert:** "general"

3. Page 1, line 28.

**Strike:** "with the enactment of"

**Insert:** "by"

**Following:** "a"

**Insert:** "general"

And, as amended, do pass. Report adopted.

**HB 429**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 458**, introduced bill, be amended as follows:

2/15/2003

1. Title, lines 4 and 5.

**Strike:** "THE" on line 4 through "TO" on line 5

**Strike:** "WHO COMBINES" on line 5

**Insert:** "TO COMBINE"

2. Title, line 6.

**Strike:** "THE APPLICATION FOR THE DECAL WITH"

**Following:** "PLATE"

**Insert:** "WITH AN APPLICATION FOR A LICENSE PLATE BEARING THE SYMBOL OF A PERSON WITH A  
DISABILITY"

3. Title, line 7 through line 9.

**Strike:** "PROVIDING" on line 7 through "61-3-426" on line 9

**Insert:** "AND AMENDING SECTION 61-3-479"

4. Page 1, line 13 through page 18, line 30.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 61-3-479, MCA, is amended to read:

**"61-3-479. (Temporary) Special certificate of registration and issuance of generic specialty license plates**  
**-- qualifications.** (1) The department shall issue a special certificate of registration and generic specialty license plates to a person who applies if the person presents written certification, in a form prescribed by the department, from the sponsoring organization indicating that the person is eligible to receive the generic specialty license plates.

(2) If the sponsor is a governmental body that has a written agreement with the county treasurer pursuant to 61-3-480, the department shall issue a special certificate of registration and generic specialty license plates to an eligible person who applies if the person pays the donation specified by the governmental body to the county treasurer at the time of application.

(3) A special certificate of registration and generic specialty license plates may be issued only for a light vehicle.

(4) The department may issue a special certificate of registration and generic specialty license plates to joint owners of a motor vehicle if one of the owners is determined by the sponsor to be eligible and if the eligible owner's name appears on the vehicle's special certificate of registration.



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(5) (a) Except as provided in 61-3-472 through 61-3-481, a person who receives a special certificate of registration and generic specialty license plates is subject to the same rules and laws as those that govern number plates.

(b) Except as provided in 61-3-472 through 61-3-481, the department is subject to the same rules and laws as govern the issuance of number plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to the maximum 4-year limitation provided in 61-3-332(3)(a).

(6) A person may combine an application for a generic specialty license plate with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in 61-3-332(10)(g). (Terminates June 30, 2005--sec. 21, Ch. 402, L. 2001.)"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 549**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/15/2003

**SB 112**, introduced by McCarthy  
**SB 190**, introduced by Bohlinger  
**SB 191**, introduced by O'Neil  
**SB 198**, introduced by Stonington  
**SB 246**, introduced by Glaser  
**SB 283**, introduced by Wheat  
**SB 288**, introduced by Mangan  
**SB 320**, introduced by Tester  
**SB 328**, introduced by Mangan  
**SB 334**, introduced by Sprague

**MESSAGES FROM THE GOVERNOR**

February 13, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 43** sponsored by Representative Cohenour, **House Bill 53** sponsored by Representative Newman, **House Bill 102** sponsored by Representative Cohenour, and **House Bill 162** sponsored by Representative Callahan on February 13, 2003.

Sincerely,

JUDY MARTZ  
Governor

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February 14, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 23** sponsored by Representative Matthews, **House Bill 35** sponsored by Representative Jacobson, **House Bill 44** sponsored by Representative Smith, and **House Bill 167** sponsored by Representative Schrupf on February 14, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 658**, introduced by Dowell, Shockley, referred to Transportation.

**HB 659**, introduced by Kaufmann, Becker, Small-Eastman, referred to Human Services.

**HB 660**, introduced by Buzzas, Branae, Carney, Cohenour, Cooney, Ellingson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Grimes, Haines, Harris, Hedges, Keane, Keenan, Kitzenberg, Lawson, Lenhart, Lewis, Mood, Newman, Parker, Shockley, Smith, Squires, Story, Tester, B. Thomas, Wilson, Witt, referred to Business and Labor.

**HB 661**, introduced by Barrett, referred to Fish, Wildlife and Parks.

**HB 662**, introduced by D. Brown, referred to State Administration.

**HB 663**, introduced by Laslovich, referred to Business and Labor.

**HB 664**, introduced by Bitney, referred to Transportation.

**HB 665**, introduced by Gallik, referred to Taxation.

**HB 666**, introduced by Gallik, referred to Federal Relations, Energy, and Telecommunications.

**HB 667**, introduced by Harris, Branae, Callahan, Cohenour, Cyr, Dowell, Erickson, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Jacobson, Jent, Laslovich, Lenhart, Mood, Raser, B. Ryan, Smith, Wanzenried, Weiss, Wilson, Windy Boy, referred to Business and Labor.

**HB 668**, introduced by Gallus, referred to Human Services.

**HB 669**, introduced by Younkin, referred to Natural Resources.

**HB 670**, introduced by Buzzas, referred to Judiciary.

**HB 671**, introduced by P. Clark, referred to Fish, Wildlife and Parks.

**HB 672**, introduced by Windy Boy, Ballantyne, Buzzas, Callahan, P. Clark, Cyr, Dickenson, Gibson, Jacobson, Jayne, Kitzenberg, Lambert, Lindeen, Musgrove, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 29**, introduced by Gallus, R. Brown, Buzzas, Cohenour, Cooney, Dowell, Franklin, Gutsche, Hansen, Harris, Lawson, Lindeen, Newman, Parker, Schmidt, Wanzenried, Wilson, referred to Human Services.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lehman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 8** - Representative Juneau moved **HJR 8** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Everett, Hawk, A. Olson, Sales.

Total 4

Voted Absentee: Facey, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Lehman, Wagman.

Total 3

**HB 97** - Representative Jent moved **HB 97** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: Hawk, Jayne, Laszloffy, Mendenhall, Pattison, Rice, Ryan, Sinrud, Witt.

Total 9

Voted Absentee: Facey, Parker, Ayes.

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Excused: None.  
Total 0

Absent or not voting: Gillan, Lehman.  
Total 2

**HB 262** - Representative Fuchs moved **HB 262** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 73

Noes: Becker, Branae, D. Brown, Buzzas, Carney, Cyr, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Musgrove, Parker, Wanzenried, Wilson, Windy Boy.  
Total 25

Voted Absentee: Facey, Parker, Noes.

Excused: None.  
Total 0

Absent or not voting: Lehman, Lindeen.  
Total 2

**HB 390** - Representative Gallik moved **HB 390** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 69

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Fisher, Hawk, Hedges, Jayne, Kasten, Lawson, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt.  
Total 29

Voted Absentee: Facey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Laszloffy.

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Total 2

**HB 395** - Representative R. Brown moved consideration of **HB 395** be passed for the day. Motion carried.

**HB 443** - Representative Lange moved **HB 443** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Voted Absentee: Facey, Parker, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lehman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 31

Excused: Facey, Parker.

Total 2

Absent or not voting: None.

Total 0

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 277** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 71

Noes: Bixby, R. Brown, Buzzas, P. Clark, Cyr, Franklin, Fuchs, Gallus, Gillan, Jacobson, Jent, Juneau, Kasten, Keane, Lambert, Laszloffy, Lewis, Maedje, Musgrove, Newman, A. Olson, Rome, Ross, Sales, Sinrud, Wagman.  
Total 26

Excused: Facey, Parker.  
Total 2

Absent or not voting: Balyeat.  
Total 1

**HB 373** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 64

Noes: Becker, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Raser, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 32

Excused: Facey, Parker.  
Total 2

Absent or not voting: Balyeat, Fisher.  
Total 2

**HB 427** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas,

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Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 73

Noes: Andersen, Barrett, D. Brown, E. Clark, Devlin, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Maedje, B. Olson, Pattison, Rice, Ripley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt.

Total 24

Excused: Facey, Parker.

Total 2

Absent or not voting: Balyeat.

Total 1

**HB 435** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Becker, Bergren, Buzzas, Callahan, Cohenour, Devlin, Erickson, Galvin-Halcro, Kaufmann, Keane, Lindeen, Musgrove, Roberts, Ryan, Small-Eastman, Smith.

Total 16

Excused: Facey, Parker.

Total 2

Absent or not voting: Balyeat, Juneau.

Total 2

**HB 436** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 97

Noes: None.

Total 0

Excused: Facey, Parker.

Total 2

Absent or not voting: Balyeat.

Total 1

**HB 451** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 77

Noes: Branae, Buzzas, Carney, P. Clark, Cohenour, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Jacobson, Jayne, Kaufmann, Lindeen, Raser, Wanzenried, Windy Boy.

Total 19

Excused: Facey, Parker.

Total 2

Absent or not voting: Balyeat, Stoker.

Total 2

**HB 456** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Facey, Parker.

Total 2



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Absent or not voting: Balyeat.  
Total 1

**HB 471** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Fuchs.  
Total 1

Excused: Facey, Parker.  
Total 2

Absent or not voting: Balyeat.  
Total 1

**HB 478** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Franklin, Gallus, Galvin-Halcro, Golie, Jayne, Wilson, Windy Boy.  
Total 7

Excused: Facey, Parker.  
Total 2

Absent or not voting: Balyeat.  
Total 1

**HB 521** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fritz,

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Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Buzzas, Dickenson, Erickson, Franklin, Galvin-Halcro, Jayne, Kaufmann, Lindeen, Wilson.  
Total 9

Excused: Facey, Parker.  
Total 2

Absent or not voting: Balyeat.  
Total 1

**HB 525** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Lawson.  
Total 2

Excused: Facey, Parker.  
Total 2

Absent or not voting: None.  
Total 0

**HB 555** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

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Noes: Kasten, Pattison, Ross, Waitschies.  
Total 4

Excused: Facey, Parker.  
Total 2

Absent or not voting: None.  
Total 0

**HJR 3** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Facey, Parker.  
Total 2

Absent or not voting: Schrumpf.  
Total 1

**HJR 4** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Facey, Parker.  
Total 2

Absent or not voting: None.

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Total 0

**HJR 10** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Facey, Parker.

Total 2

Absent or not voting: None.

Total 0

**HJR 15** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Devlin, Everett, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Becker, Bixby, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Juneau, Kaufmann, Wanzenried, Weiss, Windy Boy.

Total 21

Excused: Facey, Parker.

Total 2

Absent or not voting: Fisher, Sales.

Total 2

**HJR 20** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche,

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Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Golie, Jayne.  
Total 2

Excused: Facey, Parker.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 658** be taken from the Committee on Transportation and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 645** be taken from the Committee on Local Government and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Representative R. Brown moved **HJR 25** be taken from the Committee on Local Government and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Representative R. Brown moved **HJR 28** be taken from the Committee on Local Government and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Representative Dowell requested on **HB 443** that the proxy votes for Representative Facey and Parker, second reading this day, be changed from no to yes. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsor was added to **HB 640**: Wanzenried.

The following bills were **removed** from the consent calendar: **HB 408, HB 539, SB 195**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, February 18, 2003. Motion carried.

House adjourned at 3:17 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 18, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Carney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Fisher, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-ninth and thirtieth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/18/2003  
Correctly printed: **HB 429, HB 549.**  
Correctly engrossed: **HB 363, HB 381, HB 458.** 2/17/2003  
Correctly enrolled: **HB 79, HB 114, HB 217, HB 238, HB 248.**  
Examined by the sponsor and found to be correct: **HB 79, HB 114, HB 217, HB 238, HB 248.**  
Signed by the Speaker at 3:00 p.m., February 17, 2003: **HB 79, HB 114, HB 238, HB 248.**  
Delivered to the Governor for approval at 3:14 p.m., February 17, 2003: **HB 93, HB 168, HB 208, HB 209, HB 233.**  
Delivered to the Governor for approval at 11:36 a.m., February 18, 2003: **HB 79, HB 114, HB 238, HB 248.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/18/2003  
**HB 562**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 580**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HJR 16**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Shockley, Chairman): 2/18/2003  
**HB 222**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 8.

**Strike:** "TRANSFERRING" on line 5 through "REPORT;" on line 8

2. Title, page 1, line 13 through line 15.

**Strike:** "THAT" on line 13 through "HAVE" on line 15

**Insert:** "A PROCEDURE FOR SUSPENDING ALL OR PART OF THE REMAINING IMPRISONMENT SENTENCE  
OF A PERSON WHO SUCCESSFULLY COMPLETES THE STATE BOOT CAMP; GIVING PROBATION  
AND PAROLE OFFICERS AUTHORITY TO DETAIN A PERSON UNDER LIMITED CIRCUMSTANCES  
AND TO TURN THE PERSON OVER TO A LAW ENFORCEMENT AGENCY OR PEACE OFFICER"

3. Title, page 1, line 16.

**Strike:** "15-1-121" through "46-18-111,"

4. Page 1, line 21 through page 8, line 28.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

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5. Page 10, line 22.

**Following:** "pay"

**Insert:** "to the clerk of the district court that has jurisdiction over the person during the person's supervision"

6. Page 10, line 25.

**Following:** "fee"

**Insert:** "interstate transfer"

7. Page 10, line 30.

**Following:** "for the"

**Insert:** "supervisory"

8. Page 11, line 2.

**Strike:** "The department"

**Insert:** "Prior to July 1, 2003, district court clerks"

**Following:** "total"

**Insert:** "supervisory"

9. Page 11, line 4.

**Following:** "(2)(a)."

**Insert:** "After June 30, 2003, district court clerks shall deposit the total supervisory fees collected pursuant to subsection (1) into the state special revenue account established in subsection (2)(a) as specified by the supreme court administrator."

10. Page 11, line 11 through line 16.

**Strike:** "If an" on line 11 through "." on line 16

**Insert:** "At the time of sentencing, the sentencing court may order that if the convicted person successfully completes the boot camp incarceration program:

(1) the court will consider a petition from the person, after which the court may suspend all or part of the remainder of the person's sentence of imprisonment; or

(2) a part or all of the remainder of the person's sentence of imprisonment, as determined by the court at the time of sentencing, is automatically suspended on conditions imposed by the court at the time of sentencing."

11. Page 11, line 19.

**Strike:** "may arrest a person when there is"

**Insert:** "who, while in the course of conducting the officer's duties, has a reasonable suspicion that a person is interfering or will interfere with the officer's duties or has"

12. Page 11, line 20.

**Strike:** "and that" through "arrest"

**Insert:** "may detain the person"

13. Page 11, line 21 through line 22.

**Following:** the second "officer" on line 21

**Insert:** ", "

**Strike:** "give" on line 21 through "agency" on line 22

**Insert:** "the law enforcement agency or peace officer shall either take the person into custody or release the person"

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14. Page 11, line 24.

**Strike:** "6"

**Insert:** "4"

15. Page 11, line 25.

**Strike:** "6"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 367**, introduced bill, be amended as follows:

2/18/2003

1. Title, line 10.

**Following:** "AN"

**Insert:** "IMMEDIATE"

2. Page 1, line 15.

**Following:** "(1)"

**Strike:** "(a)" through "the"

**Insert:** "All"

3. Page 1, line 17.

**Strike:** "and (3)"

**Insert:** "through (4)"

4. Page 1, line 18 through line 19.

**Strike:** line 18 through line 19 in their entirety

5. Page 1.

**Following:** line 29

**Insert:** "(4) Immediately following the distribution of any money pursuant to subsections (2) and (3), the state treasurer shall distribute 8% of the remainder of the money paid to the state pursuant to 30 U.S.C. 191 to the hard-rock mining reclamation debt service fund provided for in 82-4-312."

6. Page 2, line 14.

**Following:** "(b)"

**Strike:** "5%" through "annual"

**Insert:** "money from the"

7. Page 2, line 15.

**Strike:** "17-3-240"

**Insert:** "17-3-240(4)"

8. Page 2.

**Following:** line 17

**Strike:** line 18 in its entirety

**Insert:** "state general fund."



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9. Page 2, line 30.

**Following:** "(2)"

**Strike:** remainder of line 30

**Insert:** "During fiscal year 2004, the board of examiners shall issue and sell hard-rock mining general obligation bonds in the amount of \$12.4 million. The proceeds from these bonds must be"

10. Page 3, line 6.

**Following:** "least"

**Strike:** "\$12"

**Insert:** "\$12.4"

11. Page 3, line 17.

**Strike:** "There"

**Insert:** "Except as provided in [section 5], there"

12. Page 3, line 20.

**Following:** " ; "

**Insert:** " and "

13. Page 3, line 21 through line 23.

**Following:** "account" on line 21

**Strike:** remainder of line 21 through "82-4-312" on line 23

14. Page 4, line 1.

**Following:** "for"

**Strike:** "water treatment"

**Insert:** "legally required reclamation, operation, and maintenance"

15. Page 4, line 14.

**Strike:** "July 1, 2003"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

**HB 388**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "FROM"

**Insert:** "FUTURE SERVICES,"

**Following:** "INDEBTEDNESS"

**Insert:** ", AND LIABILITY UPON PAYMENT OF A SEVERANCE FEE OR NEGOTIATED AMOUNT"

**Following:** "THAT"

**Insert:** "OWNERS OF"

2. Title, page 1, line 9.

**Following:** "NOT"

**Strike:** "BE PETITIONED OUT"

**Insert:** "PAY A SEVERANCE FEE OR NEGOTIATED AMOUNT TO BE EXCLUDED FROM FUTURE SERVICES,

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ASSESSMENTS, AND LIABILITY"

**Strike:** "THE LOSS OF"

3. Title, page 1, line 10 through 11.

**Strike:** "ACREAGE" on line 10

**Strike:** "THERE IS" on line 10 through "85-7-1802, MCA" on line 11

**Insert:** "THE PETITIONER COOPERATES WITH THE DISTRICT IN ORDER TO COMPLY WITH FEDERAL LAWS AND REQUIREMENTS"

4. Page 1, line 14 through Page 3, line 27.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Small tract petition to exclude land from future services, assessments, and liability of irrigation district. (1) (a) Subject to subsection (1)(b), whenever a tract of record that is 3 acres or smaller in size is located within an irrigation district, is not served and has not been served for the previous 5 years by any district system, facility, or other undertaking, and cannot be served without an unreasonable burden being placed on the owner of the tract or the district, the owner of the tract may:

(i) petition for the purpose of excluding the tract from future services, assessments, and liability of the district as provided in subsection (2); or

(ii) file a request with the irrigation district for the purpose of excluding the tract from future services, assessments, and liability of the district as provided in subsection (1)(c).

(b) If the exclusion of the tract from future services, assessments, and liability of the district threatens provisions of a United States bureau of reclamation contract, the owner of the tract may not petition for the exclusion of the tract from future services, assessments, and liability unless the owner cooperates with the district in order to comply with federal laws and requirements.

(c) A tract owner may file a request with the district to exclude a tract from future services, assessments, and liability of the district. The district may agree with the tract owner on any amount determined appropriate for that exclusion.

(2) When a tract of land in an irrigation district meets the requirements of subsection (1), the owner may petition the district court for an exclusion of the tract from future services, assessments, and liability of the district, subdistrict, or combination of a district and subdistrict. The petition must be signed by all persons who hold title to the tract and must include:

(a) the name of the irrigation district;

(b) the name and address of the persons holding title to the tract;

(c) evidence of the title to the tract as provided in 85-7-101 and 85-7-102;

(d) a copy of a map or plat of the irrigation district showing the location of the tract to be excluded from future services, assessments, and liability of the district and the relation of that land to the irrigation works of the district;

(e) a statement, corroborated by adequate documentation, that the users of the tract do not and cannot feasibly obtain water from the irrigation district through existing irrigation works and no longer want the tract to be included in the irrigation district's assessment rolls;

(f) a copy of a recent tax statement documenting assessment of the tract by the irrigation district;

(g) a request that the tract be excluded from future services, assessments, and liability of the irrigation district;

and

(h) payment to the irrigation district representing a severance fee as provided in subsection (3).

(3) (a) Subject to subsection (3)(b), the severance fee that must be paid by an owner of a tract petitioning the district court to exclude a tract from future services, assessments, and liability of the irrigation district must be determined by adding the following:

(i) the present value of existing irrigation district debt apportioned to the petitioned tract; and

(ii) one-half of the present value of future irrigation district operation and maintenance costs apportioned to the

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petitioned tract for 40 years.

(b) The minimum severance fee is \$100.

(c) The department of natural resources and conservation shall adopt by rule the present value formula to be used in determining the severance fee. The rules must include:

(i) direction on whether current or average assessment rates must be used; and

(ii) the treasury rate or interest rate to be used in the calculation.

(d) The severance fee must be determined using the values applicable on the date of filing.

(4) Upon filing the petition with the court, the petitioner shall mail a copy of the completed petition by certified mail to the irrigation district that is subject to the petition.

(5) The petitioner shall file the petition, proof of mailing pursuant to subsection (4), and a \$20 fee with the clerk of the district court for the county in which the irrigation district was created.

(6) Within 45 days of the date of the filing of the petition, the irrigation district may file an objection to the petition. To be valid, the objection must provide sufficient evidence that the provisions of subsection (1) do not apply.

(7) If a valid objection is filed, the district court may hold a hearing if necessary to resolve the facts stated in the petition.

(8) The court shall grant the petition to exclude the tract from future services, assessments, and liability:

(a) if no objections are filed within 45 days of filing the petition; or

(b) upon determination of the district court that the petition is sufficient.

(9) The district court shall forward to the irrigation district:

(a) a copy of the order granting the exclusion; and

(b) the severance fee.

(10) A petition granted pursuant to this section excludes the owner of the petitioned tract from:

(a) irrigation district services, assessments, and liability;

(b) holding an office on the district board;

(c) participating in future district administrative matters; and

(d) objecting to a petition by the district to remove the acreage from the district boundaries as provided in 85-7-1802.

(11) Once a petition is granted, services, assessments, administrative fees, miscellaneous fees, and charges may not be collected from the owner of the petitioned tract and the owner is exempt from future liability of the district."

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 7, part 21, and the provisions of Title 85, chapter 7, part 21, apply to [section 1]."

**Insert:** "NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2007."

And, as amended, do pass. Report adopted.

**HB 505**, introduced bill, be amended as follows:

1. Page 3, line 4.

**Following:** "(17)"

**Insert:** "(a)"

**Strike:** "lake-like"

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2. Page 3, line 5.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "of"

**Insert:** "surface"

3. Page 3, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "by"

**Insert:** "impoundment of water by"

**Strike:** "or"

**Insert:** ", including"

**Following:** line 6

**Insert:** "(b) The term does not include a body of water that is used for waste treatment, waste remediation, mitigation of wetland loss in compliance with applicable law, municipal use, stock use, or storage of water."

4. Page 5, line 14.

**Following:** "(17)"

**Insert:** "(a)"

**Strike:** "lake-like"

5. Page 5, line 15.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "of"

**Insert:** "surface"

6. Page 5, line 16.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "by"

**Insert:** "impoundment of water by"

**Strike:** "or"

**Insert:** ", including"

**Following:** line 16

**Insert:** "(b) The term does not include a body of water that is used for waste treatment, waste remediation, mitigation of wetland loss in compliance with applicable law, municipal use, stock use, or storage of water."

7. Page 7, line 20.

**Following:** "(16)"

**Insert:** "(a)"

**Strike:** "lake-like"

8. Page 7, line 21.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "of"

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**Insert:** "surface"

9. Page 7, line 22.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "by"

**Insert:** "impoundment of water by"

**Strike:** "or"

**Insert:** ", including"

**Following:** line 22

**Insert:** "(b) The term does not include a body of water that is used for waste treatment, waste remediation, mitigation of wetland loss in compliance with applicable law, municipal use, stock use, or storage of water."

And, as amended, do pass. Report adopted.

**HB 537**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Following:** "board,"

**Insert:** ", under the direction of the board,"

2. Page 1, line 18.

**Following:** "to"

**Strike:** "prepare and sell"

**Insert:** "set the annual timber sale target at"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/18/2003

**HB 190**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** ";

**Insert:** "IMPLEMENTING THE PROVISIONS OF THE HELP AMERICA VOTE ACT CONCERNING A STATEWIDE VOTER REGISTRATION LIST, INFORMATION SHARING, AND PROVISIONAL VOTING; PROVIDING THAT ALL ELECTORS MUST PRESENT IDENTIFICATION BEFORE VOTING; PROVIDING THAT A CANDIDATE MAY NOT FILE FOR MORE THAN ONE OFFICE;"

2. Title, page 1, line 7.

**Following:** ";

**Insert:** "REVISING PROVISIONS REGARDING VOTER INSTRUCTIONS THAT MUST BE DISPLAYED; REVISING WHEN ABSENTEE BALLOTS MUST BE AVAILABLE;"

3. Title, page 1, line 12.

**Following:** ";

**Insert:** "REVISING THE TIME WITHIN WHICH A CANVASSING BOARD IS REQUIRED TO MEET TO CANVASS THE RETURNS;"

4. Title, page 1, line 14.

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**Following:** ";

**Strike:** "AND"

**Insert:** "ELIMINATING CERTAIN CHALLENGES TO AN ELECTOR'S ELIGIBILITY TO VOTE;"

5. Title, page 1, lines 15 and 16.

**Strike:** "13-1-104" on line 15 through "13-27-410," on line 16

**Insert:** "13-1-101, 13-1-104, 13-1-301, 13-2-115, 13-2-116, 13-2-122, 13-2-123, 13-2-205, 13-2-220, 13-2-402, 13-2-513, 13-2-514, 13-2-601, 13-10-201, 13-10-211, 13-13-112, 13-13-114, 13-13-201, 13-13-204, 13-13-205, 13-13-212, 13-13-213, 13-13-214, 13-13-241, 13-13-301, 13-14-112, 13-14-113, 13-15-111, 13-15-401, 13-15-402, 13-19-313, 13-22-107, 13-27-410, AND 13-37-250,"

6. Title, page 1, line 16.

**Following:** "MCA"

**Insert:** "; AND REPEALING SECTIONS 13-2-112, 13-2-114, 13-2-202, 13-2-203, 13-2-207, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, AND 13-13-311, MCA "

7. Page 1, line 20 through page 7, line 13.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 13-1-101, MCA, is amended to read:

**"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means ~~a qualified~~ an elector who voted in the previous federal general election and whose name is on the active list.

(2) "Active list" means a list of active electors maintained ~~by an election administrator~~ pursuant to ~~13-2-219~~ 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a ~~completed~~ voter registration ~~card~~ form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to ~~confirmation, verification~~ as provided ~~in 13-2-207~~ by law.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

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(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private ~~residence~~ residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(9) "Elector" means an individual qualified ~~and registered~~ to vote under state law.

(10)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(11) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means an individual who failed to vote in the preceding federal general election and whose name is was placed on an inactive list pursuant to 13-2-220.

(14) "Inactive list" means a list of inactive electors maintained ~~by an election administrator pursuant to 13-2-219~~ 13-2-220.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

~~(17)~~(18) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

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~~(18)~~(19) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(19)~~(20) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(20)~~(21) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(22) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not been verified as provided by law.

(23) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose eligibility has not yet been verified as provided by law.

~~(21)~~(24) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(22)~~(25) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(23)~~(26) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(27) "Statewide voter registration list" means the voter registration list established and maintained pursuant to [sections 4 and 5].

(28) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(24)~~(29) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

"Section 2. Section 13-1-104, MCA, is amended to read:

**"13-1-104. Times for holding general elections.** (1) ~~(a) Except as provided in subsection (1)(b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6; and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.~~

~~(b) A special election may be held on an earlier date provided in a law authorizing a special statewide election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.~~

(2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision, other than a municipality, required to hold elections annually ~~shall~~ **must** be held on school election day, the first Tuesday after the first Monday of May of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school



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election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

**Insert: "Section 3.** Section 13-1-301, MCA, is amended to read:

**"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections, ~~and~~ shall keep all county records relating to elector registration and elections, and is the primary point of contact for the county with respect to the statewide voter registration list and implementation of other provisions of applicable federal law governing elections.

(3) The election administrator may appoint a deputy election administrator for each political subdivision required to hold annual elections under the provisions of 13-1-104(3). Each election administrator or deputy election administrator is responsible for the conduct of the annual elections of ~~such~~ the political subdivision, as provided by 13-1-401."

**Insert: "NEW SECTION. Section 4. Statewide voter registration database -- information-sharing agreements.**

(1) The secretary of state shall establish, in a uniform and nondiscriminatory manner, a single official, centralized, and interactive computerized statewide voter registration database that meets the requirements of 42 U.S.C. 15483.

(2) (a) The statewide voter registration database must be used as the official list of registered electors for the conduct of all elections subject to this title.

(b) The database must contain the name and registration information of each registered elector.

(c) Each election administrator must be provided with immediate electronic access to the database.

(d) The secretary of state shall provide the technical support required to assist election administrators to enter, maintain, and access information in the statewide voter registration database.

(3) As provided in 42 U.S.C. 15483:

(a) the secretary of state and the attorney general shall enter into an agreement to match information in the statewide voter registration list with information in the motor vehicle licensing database to the extent required to verify voter registration information; and

(b) the attorney general shall enter into an agreement with the United States commissioner of social security for the purpose of verifying voter registration information."

**Insert: "NEW SECTION. Section 5. Rulemaking for statewide voter registration list.** (1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;

(d) procedures and timelines to be used by election administrators when providing the information required in 13-2-123;

(e) technical security of the statewide voter registration database;

(f) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and

(g) quality control measures for the system and system users."

**Insert: "NEW SECTION. Section 6. Rulemaking on sufficiency and verification of voter registration information.** (1) The secretary of state shall adopt rules:

(a) to implement the provisions of [section 7] and this section concerning how election administrators determine whether the information provided by an elector on an application for voter registration is:

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- (i) sufficient to be accepted and processed; or
  - (ii) insufficient to be accepted and processed;
  - (b) establishing procedures for verifying the accuracy of voter registration information;
  - (c) establishing standards for determining whether an elector may be legally registered or provisionally registered; and
  - (d) establishing procedures for notifying electors about the status of their applications and registration.
- (2) The rules may not conflict with 42 U.S.C. 15301, et seq., or 13-2-208."

**Insert: "NEW SECTION. Section 7. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides before the close of registration as provided in 13-2-301.

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed. An application for voter registration properly executed and postmarked on or before the day registration is closed must be accepted for 3 days after the close of registration.

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under [section 6].

(4) Except as provided in subsection (5):

- (a) an applicant for voter registration shall provide the applicant's driver's license number; or
- (b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(5) If an applicant does not have a driver's license or social security number:

- (a) an applicant appearing in person before the election administrator shall provide:
  - (i) current and valid photo identification with the individual's name and current address; or
  - (ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(b) an applicant applying to register by mail shall also enclose a copy of:

- (i) a current and valid photo identification with the individual's name and current address; or
- (ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.

(6) (a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under [section 6], the election administrator shall register the elector as a legally registered elector.

(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.

(7) Each applicant for voter registration must be notified of the elector's registration status pursuant to rules adopted under [section 6].

(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.

(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-212, 13-2-215, 13-2-221, and 61-5-107 and as provided for in federal law."

**Insert: "Section 8.** Section 13-2-115, MCA, is amended to read:

**"13-2-115. Registration Certification of statewide voter registration list -- local lists to be prepared.** (1) ~~Except as provided in subsections (6) and (7), immediately~~ Immediately after registration is closed, the secretary of state shall certify the official statewide voter registration list.

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(2) ~~Each~~ election administrator shall ~~prepare and~~ have printed ~~from the certified statewide voter registration database~~ lists of all registered electors in each precinct ~~in the county~~. ~~Names~~ Except as provided in subsections (5) and (6), ~~names~~ of electors must be listed alphabetically, with their residence address or with a mailing address if located where street numbers are not used. ~~A preliminary list of registered electors may be printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must be printed after the close of registration.~~

~~(2)(3)~~ A copy of the list of registered ~~voters~~ electors in a precinct must be displayed at the precinct's polling place. Extra copies of the lists must be retained by the election administrator and furnished to an elector upon request.

~~(3)~~ The list of registered electors prepared for a primary election may be used for the general election if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The election administrator may prepare lists for a special election, but lists are not required to be printed for special elections.

(4) Lists of registered ~~voters~~ electors need not be printed if the election will not be held.

(5) The election administrator shall forward a list of all registered electors in the county to the secretary of state, as provided in 13-2-123. The secretary of state shall use the lists submitted by election administrators to compile and maintain a list of all registered electors in the state. Upon written request, the secretary of state shall furnish to any elector, for noncommercial use, a current list of registered electors. Upon delivery of the list to the elector, the secretary of state shall charge and collect a fee, which must be set and deposited in accordance with 2-15-405.

~~(6)(5)~~ If a law enforcement officer or reserve officer, as defined in 7-32-201, requests in writing that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the ~~registrar~~ secretary of state or an election administrator may not include the address on any generally available list of registered ~~voters~~ electors but may list only the name or ~~electors'~~ names.

~~(7)(6)~~ (a) Upon the request of an individual, the secretary of state or an election administrator may not include the individual's residential address on any generally available list of registered ~~voters~~ electors but may list only the elector's name or ~~names~~ if the individual:

(i) proves to the election administrator, as provided in subsection (6)(b), that the individual, or a minor in the custody of the individual, has been the victim of partner or family member assault, stalking, custodial interference, or other offense involving bodily harm or threat of bodily harm to the individual or minor; or

(ii) proves to the election administrator, as provided in subsection (6)(c), that a temporary restraining order or injunction has been issued by a judge or magistrate to restrain another person's access to the individual or minor.

(b) Proof of the victimization is conclusive upon exhibition to the election administrator of a criminal judgment, information and judgment, or affidavit of a county attorney clearly indicating the conviction and the identity of the victim.

(c) Proof of the issuance of a temporary restraining order or injunction is conclusive upon exhibition to the election administrator of the temporary restraining order or injunction.""

**Insert: "Section 9.** Section 13-2-116, MCA, is amended to read:

**"13-2-116. Precinct register.** (1) Before each election, the election administrator shall prepare from the certified statewide voter registration list a precinct register for each precinct in the county for use by the election judges. The register must contain an alphabetical list of the names, with addresses, of the legally registered electors and provisionally registered electors, a space for the signature of the elector, and ~~such~~ other information as prescribed by the secretary of state.

(2) If some of the electors in a precinct are not eligible to receive all ballots at an election because of a combination of the elections of more than one political subdivision, the election administrator shall distinguish the names of those eligible for each ballot by whatever method will be clear and efficient.

(3) When several precincts have been combined at one polling place for an election, the election administrator may combine the electors from all precincts into one register or may provide separate registers for each precinct.

(4) Precinct registers need not be printed if the election will not be held.""

**Insert: "Section 10.** Section 13-2-122, MCA, is amended to read:

**"13-2-122. Charges for registers, elector lists, and mailing labels made available to public.** (1) Except as provided in ~~subsections~~ subsection (2) ~~and (3)~~, upon written request, the ~~registrar~~ secretary of state or a local election

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administrator shall furnish to any elector, for noncommercial use, a copy of the official precinct registers, a current list of legally registered electors, or mailing labels for registered electors. Upon delivery, the ~~registrar~~ secretary of state or the local election administrator may collect a charge not to exceed the actual cost of the register, list, or mailing labels.

(2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined in 7-32-201, a request that, for security reasons, the officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the registrar may not include the address on any register, list, or mailing labels disseminated pursuant to subsection (1):

~~(3)(2) An~~ For an elector whose address information is protected from general distribution under 13-2-115(5) or (6), the secretary of state or a local election administrator may not include ~~an individual's~~ the elector's residential address on any register, list, or mailing labels but ~~shall~~ may list only the elector's name or names if the individual requests that the individual's address not be used and the individual proves to the election administrator those matters described in 13-2-115(7)(a)(i) or (7)(a)(ii)."

**Insert: "Section 11.** Section 13-2-123, MCA, is amended to read:

**"13-2-123. Election administrator to provide list of electors to secretary of state.** (1) The election administrator in each county shall provide to the secretary of state ~~a list by precinct of all registered electors in the county.~~ The list must include the following information, when possible, for each elector:

- (a) name;
- (b) mailing address;
- (c) precinct number;
- ~~(d) registration number assigned by the county election administrator pursuant to 13-2-114;~~
- ~~(e)(d)~~ residence address;
- ~~(f)(e)~~ telephone number;
- (f) driver's license number or last four digits of the elector's social security number;
- (g) date of birth;
- (h) gender;
- (i) legislative house district;
- (j) date of registration; ~~and~~
- (k) whether the elector's name is on the active or inactive list of electors; and
- (l) whether the elector is a legally registered elector or a provisionally registered elector.

(2) The information must be provided in accordance with rules adopted under [section 5].

~~(2) (a) Except as provided in subsection (2)(b), the list provided pursuant to subsection (1) must be a paper copy.~~  
~~(b) If the county election administrator also maintains the information in other media, such as on a computer disk or tape, and the secretary of state requests the information in that media, the county election administrator shall also provide the list in that media.~~

~~(3) In odd-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state by December 15.~~

~~(4) In even-numbered years, the list of electors required by subsection (1) must be delivered to the secretary of state:~~

~~(a) for a primary election, no later than July 1, and the list must indicate any changes made up to and including the date of the June primary; and~~

~~(b) for a general or special election, 30 days prior to the close of registration before the election.~~

~~(5) Each election administrator may provide the secretary of state with a supplemental list of electors in even-numbered years, giving the additions, deletions, and changes made between the time that the previous list was compiled and the close of registration."~~

**Insert: "Section 12.** Section 13-2-205, MCA, is amended to read:

**"13-2-205. Procedure when prospective elector not qualified at time of registration.** An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may

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register if it appears that he will become qualified to vote by election day apply for voter registration pursuant to [section 7] and be registered subject to verification procedures established pursuant to [section 6].""

**Insert: "Section 13.** Section 13-2-220, MCA, is amended to read:

**"13-2-220. Maintenance of active and inactive voter registration rolls lists for elections -- rules by secretary of state.** (1) The rules adopted by the secretary of state ~~shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections.~~

~~\_\_\_\_\_~~ (2) ~~The procedures specified by the secretary of state under [section 5] must include the following procedures, which an election administrator shall follow in every odd-numbered year:~~

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who ~~have~~ failed to vote in the preceding federal general election by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

~~(2)~~ (2) Any notices returned to the election administrator after using the procedures provided in subsection ~~(2)~~ (1) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

~~(3)~~ (3) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.""

**Insert: "Section 14.** Section 13-2-402, MCA, is amended to read:

**"13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 50-15-409;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from the secretary of state or from another county or state that the elector has registered in ~~that~~ another county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two consecutive federal general elections.""

**Insert: "Section 15.** Section 13-2-513, MCA, is amended to read:

**"13-2-513. Procedure for transferring registration.** ~~The~~ Subject to the rules adopted under [section 5], the election administrator shall make the necessary corrections in the registration records ~~in his office when he the election administrator receives a transfer form or corrected registration form if he is satisfied the form is valid. The original registration form may be fastened to the back of the new form, in which case the original and current forms must be~~

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retained, or the original registration form may be marked "canceled" and filed in a canceled file."

**Insert: "Section 16.** Section 13-2-514, MCA, is amended to read:

**"13-2-514. Change of residence to another county.** (1) An elector who changes ~~his~~ residence to a different county within this state ~~must~~ shall register in ~~his~~ the new county of residence in order to vote in any election unless the change occurs less than 45 days before the election.

(2) An elector who changes ~~his~~ residence to a different county 45 days or less before an election may vote in person or by absentee ballot in the precinct and county where previously registered.

~~(3) The elector must state his correct name and residence address and date of residence change when offering to vote or when applying for an absentee ballot. The election administrator shall note the information on the elector's registration form if an absentee ballot application is received. The election judges shall note the change of address and date of residence change in the precinct register if the elector votes in person.~~

~~(4)(3)~~ (3) The registration information of an elector who votes under the provisions of subsection (2) ~~of this section shall be canceled~~ must be updated in the statewide voter registration list after the election pursuant to rules adopted under [section 5]."

**Insert: "Section 17.** Section 13-2-601, MCA, is amended to read:

**"13-2-601. Name on Special addendum to precinct register prima facie evidence of right to vote.** (1) An elector may not vote at an election mentioned in this title unless ~~his name appears on election day in the copy of the official precinct register furnished by the election administrator to the election judges. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote.~~

~~(2) The name of an elector who has been assigned to vote in a precinct other than the precinct in which he the person is registered, as provided in 13-3-213, must be printed on a special addendum to the precinct register in a form prescribed by the secretary of state. The fact that an elector's name appears on a special addendum to the precinct register is prima facie evidence of his right to vote in the precinct."~~

**Insert: "Section 18.** Section 13-10-201, MCA, is amended to read:

**"13-10-201. Declaration for nomination.** (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. A candidate may not file for more than one office. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination must be filed in the office of:

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary, a congressional office, a state or district office to be voted for in more than one county, a member of the legislature, or a judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by the elector's party.

(5) (a) The declaration for nomination must be in the form and contain the information prescribed by the secretary of state.

(b) A person seeking nomination to the legislature shall provide the secretary of state with a street address, legal description, or road designation to indicate the person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state on a form prescribed by the secretary of state.

(c) The secretary of state and election administrator shall furnish declaration for nomination forms to individuals

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requesting them.

(6) Declarations for nomination must be filed no sooner than 135 days before the election in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

(7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state."

**Insert: "Section 19.** Section 13-10-211, MCA, is amended to read:

**"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (5), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

(a) (i) the candidate's first and last names;  
(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and  
(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;  
(c) a statement declaring the candidate's intention to be a write-in candidate;  
(d) the title of the office sought;  
(e) the date of the election;  
(f) the date of the declaration; and  
(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking:

(a) dies;  
(b) withdraws from the election; or  
(c) is charged with a felony offense.

(3) A person seeking to become a write-in candidate for a trustee position on a school board shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) The requirements in subsection (1) do not apply to a write-in candidate seeking election to an office for which a candidate has not filed a declaration or petition for nomination or a declaration of intent.

(6) A declaration of intent may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state.

(7) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator."

**Insert: "Section 20.** Section 13-13-112, MCA, is amended to read:

**"13-13-112. Display of instructions for electors.** (1) Instructions for electors on how to prepare their ballots or use machines or devices must be posted in each compartment provided for the preparation of ballots and elsewhere in the polling place.

(2) The instructions must be in easily read type, 18 point or larger, and explain ~~how to~~:

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- (a) how to obtain ballots for voting;
  - (b) how to prepare ballots for deposit in the ballot box; and
  - (c) how to obtain a new ballot in place of one spoiled by accident;
  - (d) how to vote provisionally pursuant to [section 22];                      (e) the election date and the hours the polls are open; and
  - (f) instructions for first-time voters who registered by mail.
- (3) If the instructions for use of the machine or device are printed on the machine or device or are part of a ballot package given to each elector, separate instructions need not be posted in the compartment.
- (4) Official ballots for the precinct, clearly marked "sample" across the face, ~~shall~~ must be posted in each booth or compartment and in conspicuous places about the polling place in all precincts where paper ballots are used. Diagrams showing the arrangement of the ballot for that precinct ~~shall~~ must be posted in conspicuous places ~~about~~ in the polling place in all precincts using machines or devices."

**Insert: "Section 21.** Section 13-13-114, MCA, is amended to read:

**"13-13-114. Marking Voter identification and marking precinct register book before elector votes -- provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, ~~he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his~~ the elector shall present to an election judge a current photo identification showing the elector's name and current address. If the elector does not present photo identification or if the name or address shown on the identification is not the same as listed in the precinct register, the elector shall present a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(b) If an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote, the elector must may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote.

(c) ~~The~~ An election judge shall write "transfer form" or "registration form" beside the name of any elector submitting a form. ~~No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.~~

(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot as provided in [section 22].

~~(2)(3)~~ (3) If the elector is not able to sign his the elector's name to the precinct register, a fingerprint or other identifying mark may be used.

~~(3)(4)~~ (4) If the elector fails or refuses to sign his the elector's name or, if unable to write, fails to provide a fingerprint or other identifying mark, he the elector may not vote cast a provisional ballot as provided in [section 22]."

**Insert: "NEW SECTION. Section 22. Provisional voting in person.** (1) Before being given a ballot, an elector casting a provisional ballot:

(a) must be given information, in a form prescribed by the secretary of state, explaining how to vote provisionally, what information must be provided by the elector to verify the elector's eligibility, and how to determine whether the elector's provisional ballot is or is not counted and, if not, the reasons why;

(b) shall sign an affirmation in a form prescribed by the secretary of state swearing that, to the best of the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for false swearing; and

(c) shall cast and return the provisional ballot to an election judge, who shall place the ballot into an envelope prescribed by the secretary of state for provisional ballots.

(2) A provisional ballot must be handled as provided in [section 35].

(3) An elector making a false affirmation under this section is subject to the penalty for false swearing provided in 45-7-202."



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**Insert: "NEW SECTION. Section 23. Fail-safe and provisional voting by mail.** (1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer return envelope, together with the voted ballot in the secrecy envelope, a copy of a current and valid photo identification with the elector's name and current address. If the elector's name or address on the photo identification is not current, the elector shall also enclose a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(2) If a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1), if the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility, or if the elector's name does not appear on the precinct register, the elector's ballot must be handled as a provisional ballot under [section 35]."

**Insert: "NEW SECTION. Section 24. Rulemaking on provisional voting, absentee ballots, and challenged ballots.** (1) The secretary of state shall adopt rules to:

(a) implement the provisions of 13-13-114 and [sections 22 through 24] concerning verification of voter identification and eligibility;

(b) establish standards for determining the sufficiency of information provided on absentee ballot return envelopes pursuant to 13-13-241;

(c) implement the provisions of [section 35] on the handling and counting of provisional and challenged ballots, including the establishment of procedures for verifying voter registration and eligibility information with respect to the ballots.

(2) The rules may not conflict with rules established under [section 6]."

**Insert: "Section 25.** Section 13-13-201, MCA, is amended to read:

**"13-13-201. Voting by absentee ballot -- procedures.** (1) A qualified legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.

(2) The elector may vote the absentee ballot by:

(a) marking the ballot in the manner specified;

(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;

(c) placing the secrecy envelope containing one ballot for each election being held in the return and verification envelope;

(d) executing the affidavit printed on the return and verification envelope; and

(e) returning the return and verification envelope with the secrecy envelope containing the ballot or ballots enclosed, as provided in 13-13-221.

(3) (a) The elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name and address. If the elector does not enclose a photo identification or if the elector's name or address on the photo identification is not current, the elector shall also enclose a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the elector's name and current address.

(b) If the elector fails to provide the information required under subsection (3)(a) or the information provided is insufficient to verify the elector's identity and eligibility, the elector's ballot must be handled as a provisional ballot."

**Insert: "Section 26.** Section 13-13-204, MCA, is amended to read:

**"13-13-204. Authority to vote in person -- printing error or ballot destroyed -- failure to receive ballot -- effect of absentee elector's death.** (1) If an elector has voted by absentee ballot but the absentee ballot contains printing errors or omissions, except that the name of a candidate who has died since the printing of the ballot and that appears on the ballot does not constitute an error or omission, the elector may vote in person in any manner at the elector's polling place.

(2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. ~~Before the ballot is~~

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given to the elector, the election judge shall write upon the back of the ballot the number of the ballot. The ballot may be cast out if it appears to the court to have been wrongfully or illegally voted. The ballot must be handled as a provisional ballot under [section 35].

(3) If an elector votes by absentee ballot and dies between the time of balloting and election day, the deceased elector's ballot does not count.""

**Insert: "Section 27.** Section 13-13-205, MCA, is amended to read:

**"13-13-205. When ballots to be available.** (1) The election administrator shall ensure that ballots are printed and available for absentee voting at least ~~45~~ 30 days prior to an election for those elections held in compliance with 13-1-104(1) and 13-1-107(1).

(2) For elections held in compliance with 13-1-104(2) and (3) and 13-1-107(2), the election administrator shall ensure that ballots are printed and available for absentee voting at least 20 days prior to an election.""

**Insert: "Section 28.** Section 13-13-212, MCA, is amended to read:

**"13-13-212. Application for absentee ballot -- special provisions.** (1) An elector may apply for an absentee ballot by making a written request, which must include the applicant's birth date and must be signed by the applicant; The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:

(a) as provided in subsection (1);

(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or

(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).

(3) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (3) must be received by the election administrator by noon on election day.

(4) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

**Insert: "Section 29.** Section 13-13-213, MCA, is amended to read:

**"13-13-213. Transmission of application to election administrator -- delivery of ballot.** (1) Except as provided in subsection (2), the elector shall ~~forward the application by mail~~ the application directly to the election administrator or deliver it the application in person to the election administrator. The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

(2) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212(3) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

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**Insert: "Section 30.** Section 13-13-214, MCA, is amended to read:

**"13-13-214. Mailing ballot to elector.** (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each legally registered elector and provisionally registered elector from whom the election administrator has received a valid absentee ballot application whatever official ballots are necessary. Ballots must be sent immediately ~~to electors submitting valid requests~~ after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector, as provided in 13-13-116, and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

(6) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector; and

(b) ~~the elector is out of the state or will be out of the state at the time of the election; and~~

~~(c)~~ the elector requests a voter information pamphlet.

(7) The return envelope must be self-addressed to the election administrator."

**Insert: "Section 31.** Section 13-13-241, MCA, is amended to read:

**"13-13-241. Examination of absentee ballot return envelopes and affirmations while polls open -- deposit of absentee and unvoted ballots.** (1) (a) While the polls are open, the election judges may compare the signature of the elector on the absentee ballot request and affirmation with the signature on the absentee ballot return envelope. If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified, they may open the absentee ballot return envelope Except as provided in subsection (2), after comparing the signatures, the election judges shall determine whether the elector's voter identification information enclosed pursuant to 13-13-201 is sufficient pursuant to rules adopted under [section 6].

(b) A ballot cast by an elector who provided sufficient information must be handled as provided in subsections (3) and (4). A ballot cast by an elector whose voter information is insufficient or whose name does not appear on the precinct register must be handled as a provisional ballot under [section 35].

(2) If the ~~absentee ballot does not meet the requirements specified in subsection (1)~~ signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form, ~~it~~ the absentee ballot must be rejected. The election judges, without opening the absentee ballot return envelope, shall mark across it the reason for

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rejection and a majority of the judges shall sign their initials. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243.

(3) After opening the absentee ballot return envelope and without opening the secrecy envelope, they shall place the secrecy envelope in the proper ballot box. In a primary election, the unvoted ballots must be deposited in the unvoted ballot box without being removed from their enclosure envelopes.

(4) After opening the absentee ballot return envelope and if the ballot has not been placed in the secrecy envelope, without unfolding the ballot or permitting it to be examined, the election judges shall place the ballot in the secrecy envelope and place the secrecy envelope in the proper ballot box."

**Insert: "Section 32.** Section 13-13-301, MCA, is amended to read:

**"13-13-301. Challenges on election day.** (1) An elector's right to vote may be challenged on election day by any registered elector by orally stating to the election judges the grounds of the challenge.

(2) An individual offering to vote may be orally challenged by any elector of the county upon the following grounds:

(a) ~~that he is not the individual whose name appears on the register;~~

(b) ~~that he does not reside at the residence listed unless the elector is voting under the provisions of 13-2-512 and 13-2-514;~~

(c) ~~that he the elector~~ is of unsound mind, as determined by a court;

(d) ~~that he the elector~~ has voted before in that election; or

(e) ~~that he the elector~~ has been convicted of a felony and is serving a sentence in a penal institution.

(3) An elector challenged under this section may cast a provisional ballot, which must be handled as a provisional ballot under [section 35]."

**Insert: "Section 33.** Section 13-14-112, MCA, is amended to read:

**"13-14-112. Declarations for nomination -- fee.** (1) Nonpartisan candidates shall file declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state except as provided in 13-14-113. A candidate may not file for more than one office.

(2) Declarations may not indicate political affiliation. The candidate may not state in ~~his~~ the declaration any principles or measures ~~he~~ that the candidate advocates or any slogans.

(3) Each individual filing a declaration shall pay the fee prescribed by law for the position ~~he~~ that the individual seeks.

(4) Declarations ~~shall~~ must be filed in the office of the secretary of state or the appropriate election administrator as provided in 13-10-201. Time of filing ~~shall~~ must be the same as provided in 13-10-201."

**Insert: "Section 34.** Section 13-14-113, MCA, is amended to read:

**"13-14-113. Filing for offices without salary or fees.** (1) Candidates for nonpartisan offices for which ~~no~~ a salary or fees are not paid shall file with the appropriate official a petition for nomination containing the same information and the oath of the candidate required for a declaration of nomination in a form prescribed by the secretary of state.

(2) The petition must contain the signatures of registered electors of the election district in which the office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful candidate for that office at the last general election, but ~~in no case~~ may it not be less than five signatures.

(3) The number of signatures necessary for a petition for nomination for an office not previously on the ballot or for which the election district boundaries have changed since the last general election ~~shall~~ must be determined by the secretary of state.

(4) Petitions for nomination ~~shall~~ must be filed at the same time provided in 13-10-201 for other candidates and offices.

(5) A candidate may not file for more than one office."

**Insert: "NEW SECTION. Section 35. Handling and counting provisional and challenged ballots.** (1) Before 5

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p.m. on the day after an election, an elector who cast a provisional ballot may provide information to the election administrator to verify the elector's eligibility to vote.

(2) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under [section 23]. However, a provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules.

(3) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

(4) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

**Insert: "Section 36.** Section 13-15-111, MCA, is amended to read:

**"13-15-111. Write-in elections -- general election.** (1) An individual elected by having ~~his~~ the individual's name written in at the general election and receiving the largest number of votes shall:

(a) file with the secretary of state or election administrator, not later than 10 days after the official canvass, a written declaration indicating ~~his~~ the individual's acceptance of the position for which ~~he was~~ elected;

(b) comply with the provisions of 13-37-225; and

(c) pay the required filing fee or, if indigent, comply with 13-10-203.

(2) If an individual fails to ~~file the declaration as required under~~ comply with the requirements in subsection (1)~~(a)~~, ~~he~~ the individual may not assume the position for which ~~he was~~ elected."

**Insert: "Section 37.** Section 13-15-401, MCA, is amended to read:

**"13-15-401. Governing body as board of county canvassers.** (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual place of meeting of the governing body within 3 to 7 days after each election, at a time determined by the board, to canvass the returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office.""

**Insert: "Section 38.** Section 13-15-402, MCA, is amended to read:

**"13-15-402. Canvass of votes by board -- procedures if all returns not received by time of canvass.** (1) If all returns are in at the time of the meeting, the board of county canvassers shall immediately canvass the returns.

(2) If all returns are not received, the board shall postpone the canvass from day to day until all returns are received.

(3) If the returns from an election precinct have not been received by the election administrator within 3 to 7 days after an election, ~~he~~ the election administrator shall immediately advise the chief election judge.

(4) If it appears to the board that the polls were not open in a precinct, the board shall certify this to the election administrator. The election administrator shall enter the certification in the minutes and in the record required by 13-15-404.""

**Insert: "Section 39.** Section 13-19-313, MCA, is amended to read:

**"13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector, either by telephone or by first-class mail, if the election administrator:

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- (a) is unable to verify the elector's signature under 13-19-310; or
- (b) has discovered a procedural mistake made by the elector that would invalidate the elector's ballot under 13-19-311.
- (2) The election administrator shall inform the elector that the elector may appear in person at the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.
- (3) Any elector appearing pursuant to subsection (2) must be permitted to:
  - (a) verify the elector's signature, after proof of identification, by affirming that the signature is in fact the elector's or by completing a new registration card containing the elector's current signature;
  - (b) correct any minor mistake if the correction would render the ballot valid; or
  - (c) if necessary, request and receive a replacement ballot and vote it at that time.
- (4) If a mail ballot is returned, the election administrator shall investigate the reason for the return and mail a confirmation notice ~~provided for in 13-2-207. However, the~~ The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector."

**Insert: "Section 40.** Section 13-22-107, MCA, is amended to read:

**"13-22-107. Funding.** (1) ~~Public~~ Except for compensation for time spent by employees of the secretary of state and the superintendent of public instruction, public money may not be used to support or fund the youth voting program established in this chapter.

(2) A nonprofit corporation may be formed subject to the provisions of Title 35, chapter 2, to solicit donations from private sources. Money solicited under this subsection must be used only for the youth voting program."

**Insert: "Section 41.** Section 13-27-410, MCA, is amended to read:

**"13-27-410. Printing and distribution of voter information pamphlet.** (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing label may include an address line that addresses the voter or the current resident. The mailing must take place no later than ~~2 weeks~~ 30 days before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

**Insert: "Section 42.** Section 13-37-250, MCA, is amended to read:

**"13-37-250. Voluntary spending limits.** (1) (a) The following statement may be used in printed matter and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary of state: "According to the Office of the Commissioner of Political Practices, ..... is in compliance with the voluntary expenditure limits established under Montana law."

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(b) The treasurer of each political committee, as defined in 13-1-101(18)(b)(19)(b), who files a certification on a ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it must be filed with the commissioner within 30 days of the certification of the political committee.

(c) A political committee that has not filed a sworn statement with the commissioner may not distribute any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during the calendar year:

(a) all committee loans or expenditures made by check or cash; and

(b) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in subsection (2), may not exceed \$150,000.

(4) A political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of \$5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner."

**Insert: "NEW SECTION. Section 43. Repealer.** Sections 13-2-112, 13-2-114, 13-2-202, 13-2-203, 13-2-207, 13-2-219, 13-2-403, 13-2-404, 13-2-515, 13-2-603, 13-13-304, 13-13-305, 13-13-306, 13-13-307, 13-13-309, 13-13-310, and 13-13-311, MCA, are repealed."

**Insert: "NEW SECTION. Section 44. Codification instruction.** (1) [Sections 4 through 7] are intended to be codified as an integral part of Title 13, chapter 2, part 1, and the provisions of Title 13, chapter 2, part 1, apply to [sections 4 through 7].

(2) [Sections 22 through 24] are intended to be codified as an integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [sections 22 through 24].

(3) [Section 35] is intended to be codified as an integral part of Title 13, chapter 15, part 1, and the provisions of Title 13, chapter 15, part 1, apply to [section 35]."

And, as amended, do pass. Report adopted.

**HB 499**, do pass. Report adopted.

**HB 503**, do pass. Report adopted.

**HB 532**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 548**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 552**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 601**, do pass. Report adopted.

**HJR 21**, be adopted. Report adopted.

**HJR 22**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/17/2003

**SB 25**, introduced by Mangan

**SB 138**, introduced by Cobb

**SB 217**, introduced by Mahlum

**SB 223**, introduced by McNutt

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**SB 259**, introduced by Glaser  
**SB 292**, introduced by Cocchiarella  
**SB 294**, introduced by Gebhardt  
**SB 302**, introduced by McCarthy  
**SB 329**, introduced by Mangan

**House amendments to Senate bill** concurred in: 2/17/2003

**SB 7**, introduced by Butcher

**House bill** concurred in and returned to the House: 2/17/2003

**HB 217**, introduced by Brueggeman

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 2/17/2003

**HB 94**, introduced by Lawson  
**HB 116**, introduced by Kaufmann

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 673**, introduced by Peterson, Brueggeman, Devlin, Hurwitz, Lake, Malcolm, A. Olson, Rice, Steinbeisser, Witt, referred to Natural Resources.  
**HB 674**, introduced by Branae, referred to State Administration.  
**HB 675**, introduced by Juneau, referred to Business and Labor.  
**HB 676**, introduced by Lindeen, referred to Agriculture.  
**HB 677**, introduced by Lindeen, referred to Agriculture.  
**HB 678**, introduced by Lindeen, referred to Agriculture.  
**HB 679**, introduced by Steinbeisser, referred to Business and Labor.  
**HB 680**, introduced by Noennig, referred to State Administration.  
**HB 681**, introduced by E. Clark, referred to Human Services.  
**HB 682**, introduced by Forrester, referred to Local Government.  
**HB 683**, introduced by Brueggeman, referred to Agriculture.  
**HB 684**, introduced by A. Olson, referred to Federal Relations, Energy, and Telecommunications.  
**HB 685**, introduced by Mendenhall, referred to Education.  
**HB 686**, introduced by Bergren, Keane, Lawson, B. Ryan, Weiss, referred to State Administration.  
**HB 687**, introduced by Newman, Ballantyne, Buzzas, Callahan, P. Clark, Cohenour, Cooney, Cyr, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Jackson, Jacobson, Jent, Keane, Lake, Lambert, Lange, Laslovich, Lenhart, Lindeen, Musgrove, A. Olson, B. Olson, Parker, B. Ryan, Shockley, Small-Eastman, Smith, Weiss, Wilson, Windy Boy, referred to State Administration.  
**HB 688**, introduced by Younkin, referred to Business and Labor.  
**HB 689**, introduced by A. Olson, Brueggeman, referred to State Administration.  
**HB 690**, introduced by Bitney, referred to Taxation.  
**HB 691**, introduced by Roberts, Dowell, referred to Business and Labor.  
**HB 692**, introduced by Buzzas, referred to State Administration.  
**HB 693**, introduced by Sinrud, referred to Judiciary.



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**HB 694**, introduced by Sinrud, referred to State Administration.

**HB 695**, introduced by R. Brown, Andersen, Barrett, Brueggeman, E. Clark, Everett, Fisher, Fuchs, Haines, Hedges, Hurwitz, Jackson, Mendenhall, Mood, Pattison, Ripley, Roberts, Rome, Schrumpf, referred to Judiciary.

**HB 696**, introduced by Cohenour, referred to Transportation.

**HB 697**, introduced by Sales, referred to Judiciary.

**HB 698**, introduced by Gillan, Becker, referred to Human Services.

**HB 699**, introduced by Dowell, Bixby, Gutsche, Juneau, Laslovich, Lindeen, Wanzenried, Windy Boy, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 30**, introduced by Windy Boy, Bergren, Callahan, P. Clark, Cyr, Dickenson, Dowell, Erickson, Fritz, Gibson, Golie, Hansen, Jacobson, Jayne, Jent, Juneau, Keenan, Pease, Raser, Roush, Small-Eastman, Wanzenried, referred to Federal Relations, Energy, and Telecommunications.

**HJR 31**, introduced by Facey, referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Newman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Laszloffy assumed the chair.

**HB 395** - Representative Gillan moved **HB 395** do pass. Motion **failed** as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Jacobson, Jent, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Noennig, Parker, Raser, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Cyr, Devlin, Everett, Fisher, Gallik, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Fisher, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 450** - Representative Newman moved **HB 450** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, R. Brown, Brueggeman, Fuchs, Jayne, Kasten, Lambert, Lewis, Ryan, Sales, Sinrud, Witt.

Total 12

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

Representative Newman reassumed the chair.

**HB 480** - Representative Steinbeisser moved **HB 480** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Jackson, Jayne, Juneau, Lindeen, Sinrud, Weiss.

Total 7

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 546** - Representative Wagman moved **HB 546** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 91

Noes: Devlin, Fuchs, Hedges, Jayne, Pattison, Rome, Waitschies.

Total 7

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Shockley, Mr. Speaker.

Total 2

**HB 536** - Representative R. Brown moved consideration of **HB 536** be passed for the day. Motion carried.

**HB 408** - Representative Peterson moved **HB 408** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 455** - Representative Lake moved **HB 455** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown,

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Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Mr. Speaker.  
Total 2

**HB 539** - Representative Brueggeman moved **HB 539** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Ryan.  
Total 1

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 549** - Representative Dickenson moved **HB 549** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert,

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Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Everett, Fuchs, Jayne, Parker, Sinrud.

Total 5

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**HB 577** - Representative Brueggeman moved **HB 577** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Bixby, Galvin-Halcro, Golie, Juneau, Keane.

Total 5

Voted Absentee: Fisher, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 136** - Representative Jacobson moved **SB 136** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Bixby, Fuchs.  
Total 2

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

**SB 195** - Representative Younkin moved **SB 195** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Bixby, P. Clark, Forrester, Franklin, Jayne, Juneau, Malcolm, Small-Eastman, Wanzenried, Weiss, Wilson.  
Total 11

Voted Absentee: Fisher, Aye.

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Newman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 89

Noes: Bixby, Fuchs, Galvin-Halcro, Golie, Juneau, Keane, Ryan, Small-Eastman, Wanzenried.

Total 9

Excused: Fisher.

Total 1

Absent or not voting: Newman.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 97** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 88

Noes: Balyeat, Hawk, Jayne, Maedje, Mendenhall, Rice, Ryan, Sinrud, Witt, Mr. Speaker.

Total 10

Excused: Fisher.

Total 1

Absent or not voting: Shockley.

Total 1

**HB 262** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, Buzzas, Carney, Cyr, Erickson, Fritz, Galvin-Halcro, Gibson, Gutsche, Harris, Jayne, Juneau, Kaufmann,

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Wanzenried.  
Total 14

Excused: Fisher.  
Total 1

Absent or not voting: Shockley.  
Total 1

**HB 390** passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 66

Noes: Andersen, Barrett, R. Brown, E. Clark, Devlin, Fuchs, Hawk, Hedges, Jackson, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 32

Excused: Fisher.  
Total 1

Absent or not voting: Shockley.  
Total 1

**HB 433** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Wagman.  
Total 1

Excused: Fisher.  
Total 1

Absent or not voting: None.



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Total 0

**HB 443** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Haines, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 41

Excused: Fisher.

Total 1

Absent or not voting: Hurwitz.

Total 1

**HJR 8** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, D. Brown, Everett, Fuchs, Hawk, Hedges, Lake, Lange, Maedje, Malcolm, A. Olson, Sales.

Total 12

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 511**, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines,

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Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Buzzas, Smith.  
Total 2

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 667** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 660** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 663** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HB 458, HB 532, HB 548, HB 552, HB 562, HB 580, HJR 16, HJR 22.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, February 19, 2003. Motion carried.

House adjourned at 2:45 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 19, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laszloffy. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/19/2003  
Correctly printed: **HB 499, HB 503, HB 532, HB 548, HB 552, HB 562, HB 580, HB 601, HJR 16, HJR 21, HJR 22.**

Correctly engrossed: **HB 190, HB 222, HB 367, HB 388, HB 505, HB 537.**

Signed by the Speaker at 8:15 a.m., February 19, 2003: **HB 217.**

Delivered to the Governor for approval at 4:10 p.m., February 18, 2003: **HB 217.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/19/2003  
**HB 597**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 2/19/2003  
**HB 42**, introduced bill, be amended as follows:

1. Page 1, line 22 through line 23.

**Strike:** line 22 through line 23 in their entirety

2. Page 2, line 2.

**Following:** "affect"

**Strike:** "private property owners"

**Insert:** "Montana land"

3. Page 2, line 5.

**Following:** "consider"

**Strike:** "only"

4. Page 2, line 6.

**Strike:** "that is under contract with the department"

5. Page 2, line 12.

**Following:** "sustained."

**Insert:** "The department shall consider the specific concerns of private landowners when determining sustainable numbers pursuant to this section."

6. Page 2, line 14.

**Following:** "through"

**Strike:** "the rulemaking process and other applicable programs, a program"

**Insert:** "existing wildlife management programs, necessary actions"

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7. Page 2, line 16.

**Strike:** "program" through "department"

**Insert:** "programs"

**Strike:** "is"

**Insert:** "are"

8. Page 2, line 19.

**Following:** "permits;"

**Insert:** "or"

9. Page 2, line 20.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsection

10. Page 3, line 3.

**Following:** "commission"

**Strike:** "may adopt"

**Insert:** "shall adjust existing wildlife management"

**Following:** "rules"

**Insert:** "and plans"

11. Page 3, line 4.

**Strike:** "that are necessary"

12. Page 3, line 5.

**Strike:** "In adopting"

**Insert:** "The department and the commission may adopt"

**Following:** "sustainability"

**Strike:** ", the"

**Insert:** ". The"

13. Page 3, line 6.

**Following:** "commission"

**Strike:** "district"

**Insert:** "region"

14. Page 3, line 7.

**Insert:** "(3) Any rules adopted by the department pursuant to subsection (2) must be adopted in a timely manner."

And, as amended, do pass. Report adopted.

**HB 283**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** first "2004,"

**Insert:** "UNLESS THE U.S. ASSISTANT SECRETARY OF THE INTERIOR CERTIFIES THAT ADDITIONAL TIME IS NEEDED,"

2. Title, lines 9 and 10.

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**Following:** "GENERAL TO" on line 9

**Strike:** remainder of line 9 through "SERVICE FOR" on line 10

**Insert:** "PREPARE A PROACTIVE OPINION OF STATE OPTIONS REGARDING DELISTING AND POSSIBLE LITIGATION SCENARIOS RELATED TO RECOVERY OF"

3. Page 1, line 22.

**Following:** "safeguarding of"

**Insert:** "humans,"

**Following:** "livestock"

**Insert:** ", "

4. Page 1, line 24.

**Following:** "general to"

**Strike:** "seek compensation for"

**Insert:** "analyze state delisting options and possible litigation scenarios for recovery of"

5. Page 1, lines 25 and 26.

**Following:** "directed to" on line 25

**Strike:** remainder of line 25 through "service for" on line 26

**Insert:** "analyze the state's options related to delisting and, in cooperation with the department of fish, wildlife, and parks, prepare a proactive legal opinion for possible litigation scenarios regarding recovery of"

6. Page 1, line 27 through line 28.

**Following:** "reintroduction." on line 27

**Strike:** remainder of line 27 through "action." on line 28

7. Page 2, line 9.

**Following:** "2004"

**Insert:** ", unless the U.S. assistant secretary of the interior certifies to the state in writing that delisting will be accomplished by a date between January 1, 2004, and June 1, 2004, in which case [sections 1 and 3] are effective if delisting is not accomplished by the date certified in writing by the U.S. assistant secretary of the interior"

And, as amended, do pass. Report adopted.

**HB 407**, do pass. Report adopted.

**HB 411**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "PURCHASER"

**Insert:** "NEW OWNER"

2. Page 1, line 11.

**Strike:** "purchaser"

**Following:** "new owner"

3. Page 1, line 19.

**Following:** "(4)"

**Insert:** "(a)"

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**Following:** "sold"

**Insert:** "or transferred in its entirety"

4. Page 1, line 21.

**Strike:** "purchaser"

**Insert:** "new owner"

**Following:** "business."

**Insert:** "Upon the sale or transfer of a fishing outfitter's business, the outfitter who sells or transfers the business shall notify the new owner that the use of any transferred river-use days is subject to change pursuant to rules adopted by the fish, wildlife, and parks commission and that no property right attaches to the transferred river-use days. (b) If the fish, wildlife, and parks commission implements a system of public allocation of river-use days on a restricted-use stream, any river-use days allocated to a fishing outfitter through the fishing outfitter's historic use of or activities on the restricted-use stream must be reallocated to public use."

And, as amended, do pass. Report adopted.

**HB 465**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "MAINTENANCE"

**Insert:** ", WITH CERTAIN EXCEPTIONS"

2. Page 1, line 14.

**Strike:** "Until"

**Insert:** "(1) Except as provided in subsection (2), until"

3. Page 1, line 17.

**Insert:** "(2) The moratorium in subsection (1) may not be construed to:

(a) interfere with construction projects financed by nondepartmental funds and undertaken in state parks by volunteer or private, nonprofit organizations that enter an agreement with the department to assume part or all of the management and financial responsibility of a state park;

(b) prohibit the completion of construction projects begun prior to July 1, 2003; or

(c) prohibit the repair, preservation, or restoration, which is not defined as maintenance under 23-1-127, of existing facilities."

4. Page 1, line 20.

**Following:** "detailed"

**Insert:** "plan for the eradication of noxious weeds at all state parks and fishing access sites, including an"

5. Page 1, line 21.

**Following:** "activities"

**Strike:** ", including a projected amount of money"

**Insert:** "and an estimate of the amount of money and time"

6. Page 1, line 22.

**Strike:** "weed control and"

**Insert:** "the"

And, as amended, do pass. Report adopted.

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**HUMAN SERVICES** (Thomas, Chairman):  
**HB 90**, introduced bill, be amended as follows:

2/19/2003

1. Page 7, line 24.

**Strike:** "."

2. Page 7, line 25 through 27.

**Strike:** line 25 through line 27 in their entirety

**Insert:** "arrangements acceptable to the agency for the care of the child have been made by the parents or voluntary protective services are provided pursuant to 41-3-302."

3. Page 8, line 4.

**Strike:** "or"

**Insert:** "--"

**Strike:** "treatment plans"

**Insert:** "protective services agreement"

4. Page 8, line 10 through line 15.

**Strike:** subsections (3) and (4) in their entirety

**Insert:** "(3) The department may provide voluntary protective services by entering into a written voluntary protective services agreement with a parent or other person responsible for a child's welfare for the purpose of keeping the child safely in the home."

**Renumber:** subsequent subsections

5. Page 8, line 17.

**Following:** "conference"

**Insert:** "and implementation of safety plans developed during the conference"

6. Page 8, line 19.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

7. Page 8, line 23.

**Following:** "(g) a"

**Insert:** "30-day"

8. Page 8, line 25.

**Following:** the second "home"

**Insert:** "within the 30-day period, including referrals to other service providers"

9. Page 9, line 3 through line 4.

**Strike:** subsection (8) in its entirety

10. Page 9, line 15.

**Following:** "concern."

**Strike:** remainder of line 15

11. Page 10, line 27.

**Insert:** "(7) When determining whether the department has made reasonable efforts to prevent the necessity of removal

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of a child from the child's home or to reunify families that have been separated by the state, the court shall review the services provided by the agency including, if applicable, protective services provided pursuant to 41-3-302."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/19/2003

**HB 578**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Following:** "convicted"

**Insert:** "under 61-8-401 or 61-8-406 or"

And, as amended, do pass. Report adopted.

**HB 579**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "RESTRAINING ORDER"

**Insert:** "TEMPORARY INJUNCTION"

2. Title, page 1, line 6.

**Strike:** "ORDER" in two places

**Insert:** "INJUNCTION" in both places

3. Title, page 1, line 8.

**Strike:** "ORDER"

**Insert:** "INJUNCTION"

4. Page 3, line 20.

**Strike:** "an order"

**Insert:** "a temporary injunction"

5. Page 3, line 24.

**Strike:** "order"

**Insert:** "temporary injunction"

And, as amended, do pass. Report adopted.

**HB 618**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/19/2003

**HB 249**, do pass. Report adopted.

**HB 298**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "CERTAIN"



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2. Page 1, line 11.

**Strike:** "review"

3. Page 1, line 26.

**Strike:** "reasonable"

**Following:** "fees"

**Insert:** "commensurate with costs"

4. Page 1, line 27.

**Strike:** "subsection (1)(a) or (1)(f)"

**Insert:** "this section"

5. Page 2, line 1.

**Strike:** "review"

6. Page 2, line 25.

**Strike:** "reasonable"

**Following:** "fees"

**Insert:** "commensurate with costs"

7. Page 2, line 26.

**Strike:** "subsection (1)(a), (1)(b), or (1)(e)"

**Insert:** "this section"

And, as amended, do pass. Report adopted.

**HB 416**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 426**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "SERVICE;"

**Insert:** "PROVIDING EXEMPTIONS;"

2. Page 1, line 11.

**Following:** "services"

**Insert:** " -- exemptions"

**Strike:** "A"

**Insert:** "(1) Except as provided in subsections (2) and (3), a"

3. Page 1.

**Following:** line 12

**Insert:** "(2) (a) A county may establish a facility or offer a service for the county provided that the county is able to do so at a lower cost than the private sector. In determining its costs, a county shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The board of county commissioners shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-2121. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a facility is owned by the county.

(b) A county may add basic recreational facilities and services, such as outdoor swimming pools,

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wading pools, and playground equipment, to county parks in order to balance similar basic recreational facilities and services available throughout the county. The board of county commissioners shall present its plan for any additions at a public hearing advertised as provided in 7-1-2121.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a county."

4. Page 1, line 15.

**Following:** "services"

**Insert:** " -- exemptions"

**Strike:** "A"

**Insert:** "(1) Except as provided in subsections (2) and (3), a"

5. Page 1.

**Following:** line 17

**Insert:** "(2) (a) A municipality may establish a facility or offer a service for the municipality provided that the municipality is able to do so at a lower cost than the private sector. In determining its costs, a municipality shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The governing body of the municipality shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-4127. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a facility is owned by the municipality.

(b) A municipality may add basic recreational facilities and services, such as outdoor swimming pools, wading pools, and playground equipment, to city parks in order to balance similar basic recreational facilities and services available throughout the municipality. The governing body of a municipality shall present its plan for any additions to a city park at a public hearing advertised as provided in 7-1-4127.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a municipality."

And, as amended, do pass. Report adopted.

**HB 520**, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

2/19/2003

**HB 616**, do pass. Report adopted.

**HB 627**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "or"

**Insert:** "for"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

2/19/2003

**HB 419**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "SOUNDED;"

**Insert:** "REQUIRING THE HORN AND BELL TO BE SOUNDED FOR AT LEAST 15 SECONDS PRIOR TO A LOCOMOTIVE OCCUPYING A CROSSING IF THE TRAIN IS STOPPED WITHIN A CERTAIN

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DISTANCE OF THE CROSSING;"

2. Title, line 8.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 20 through line 27.

**Strike:** " " on line 20

**Insert:** "; or"

**Strike:** "The" on line 20 through "sounded." on line 27

4. Page 1.

**Following:** line 28

**Insert:** "(2) For the purposes of subsection (1)(d):

(a) the horn and bell must be sounded from the specified point until the crossing is occupied, but if a train has stopped within 1,320 feet of a crossing, the horn and bell must be sounded for a minimum of 15 seconds prior to the train occupying the crossing;

(b) the railroad corporation shall erect and maintain a sign at a minimum of 1,320 feet in advance of a crossing at which the horn and bell are required to be sounded to notify the locomotive crew in advance of a crossing that requires the locomotive horn and bell to be sounded;

(c) if the owner or permitholder of a private crossing makes a written request to the railroad corporation to have the locomotive horn and bell sounded at a private crossing, the railroad shall comply with the request, but the owner or permitholder is not subject to any liability as a result of not making a request; and

(d) the phrase "public highway, public road, or public railroad crossing" means that the easement, right-of-way, or fee title for the public highway, public road, or public railroad crossing is held in the name of a federal, state, tribal, or local government entity on both sides of the crossing and that the easement, right-of-way, or fee title is recorded in the office of the clerk and recorder in the county where the crossing is located."

**Renumber:** subsequent subsections

5. Page 2, line 5 through line 9.

**Strike:** subsection (3) in its entirety

6. Page 2.

**Following:** line 9

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 538**, introduced bill, be amended as follows:

1. Page 8, line 22.

**Strike:** "lease or executory sales contract "

**Insert:** "lease, executory sales contract, or security agreement"

2. Page 8, line 23.

**Following:** "sheriff,"

**Insert:** "secured party,"

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3. Page 8, line 27.

**Following:** "interest"

**Insert:** "or a transfer statement, as defined in 30-9A-619"

4. Page 8, line 30.

**Following:** "department."

**Insert:** "A transfer statement submitted under this section must meet the requirements of 30-9A-619."

5. Page 51, line 29.

**Strike:** "15"

**Insert:** "21"

And, as amended, do pass. Report adopted.

**HB 544**, introduced bill, be amended as follows:

1. Title, line 4 through line 7.

**Strike:** "REQUIRING" on line 4 through "MONTHS;" on line 7

2. Title, line 8.

**Strike:** "SECTIONS 61-6-301 AND"

**Insert:** "SECTION"

3. Page 1, line 12 through page 2, line 16.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

4. Page 3, lines 29 and 30.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**HB 559**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/18/2003

**SB 62**, introduced by D. Ryan

**SB 327**, introduced by Taylor

**MESSAGES FROM THE GOVERNOR**

February 18, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 19, 2003

Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 38** sponsored by Representative A. Olson, **House Bill 136** sponsored by Representative Fisher, **House Bill 175** sponsored by Representative P. Clark, **House Bill 207** sponsored by Representative Laslovich, and **House Bill 232** sponsored by Representative Devlin on February 18, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 700**, introduced by Brueggeman, Laible, McCarthy, A. Olson, Shea, Tash, referred to Federal Relations, Energy, and Telecommunications.

**HB 701**, introduced by Newman, referred to State Administration.

**HB 702**, introduced by Maedje, referred to Federal Relations, Energy, and Telecommunications.

**HB 703**, introduced by Parker, Harris, referred to Judiciary.

**HB 704**, introduced by Kasten, referred to Education.

**HB 705**, introduced by E. Clark, referred to Taxation.

**HB 706**, introduced by Rice, Bookout-Reinicke, Lehman, referred to Human Services.

**HB 707**, introduced by Cohenour, Ballantyne, Bergren, Bixby, Buzzas, Callahan, Dowell, Erickson, Fritz, Gallik, Jacobson, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Newman, Raser, B. Ryan, Shockley, Small-Eastman, Smith, Wanzonried, Weiss, Wilson, referred to State Administration.

**HB 708**, introduced by Harris, Jent, Stonington, referred to Natural Resources.

**HB 709**, introduced by Harris, referred to Natural Resources.

**HB 710**, introduced by Raser, referred to Federal Relations, Energy, and Telecommunications.

**HB 711**, introduced by Gallus, referred to Transportation.

**HB 712**, introduced by Sinrud, Barkus, Forrester, Haines, Laible, Pattison, referred to Local Government.

**HB 713**, introduced by Fuchs, Balyeat, Jackson, referred to Taxation.

**HB 714**, introduced by Balyeat, Black, Bookout-Reinicke, R. Brown, Brueggeman, Butcher, Everett, Fisher, Forrester, Fuchs, Gebhardt, Haines, Jackson, Keenan, Lake, Lambert, Lange, Lewis, Maedje, Mahlum, McGee, Mood, O'Neil, Pattison, Rice, Roberts, Sales, Schrumpf, Shockley, B. Thomas, F. Thomas, Wagman, referred to Taxation.

**HB 715**, introduced by Balyeat, referred to State Administration.

**HB 716**, introduced by Balyeat, Lewis, referred to State Administration.

**HB 717**, introduced by Jayne, referred to Agriculture.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 408** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Everett, Morgan.  
Total 2

**HB 450** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, R. Brown, Brueggeman, Fuchs, Jayne, Kasten, Lewis, Pattison, Ryan, Sales, Sinrud.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 455** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: Franklin.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 480** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bixby, Jayne, Lindeen, Sinrud, Smith, Weiss.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 539** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 546** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Bixby, E. Clark, Devlin, Franklin, Fuchs, Hedges, Jayne, Kasten, Pattison, Rome, Smith, Waitschies, Windy Boy.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Ryan.  
Total 1

**HB 549** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Everett, Fuchs, Jayne.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 136** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,



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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 195** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Branae, D. Brown, R. Brown, Buzzas, E. Clark, Cohenour, Devlin, Erickson, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, McKenney, Morgan, Musgrove, Noennig, A. Olson, Parker, Rice, Roberts, Ross, Ryan, Shockley, Smith, Stoker, Windy Boy, Younkin, Mr. Speaker.  
Total 51

Noes: Becker, Bixby, Brueggeman, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Fuchs, Galvin-Halcro, Golie, Haines, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Maedje, Matthews, Mendenhall, Newman, B. Olson, Pattison, Peterson, Raser, Ripley, Rome, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 577** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Galvin-Halcro, Golie, Keane, Wanzenried.

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Total 4

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker introduced Monte the Grizzly from the University of Montana, the 2002-2003 National Mascot of the Year. Monte entertained the House with the same daredevil antics that earned him this national award. The man behind the fur grew up on a ranch outside of Terry, Montana, before moving to Miles City where he graduated from high school in 1997. The mystery man then accepted an acting scholarship to the University of Montana and received his degree in 2001.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Haines in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 536** - Representative Brueggeman moved **HB 536** do pass.

Representative Brueggeman moved **HB 536**, second reading copy, be amended as follows :

1. Page 1, line 20.

**Following:** "mildew,"

**Insert:** "or"

**Following:** "spores"

**Strike:** ", and other microscopic organisms or allergens"

2. Page 1, line 30 through page 2, line 19.

**Strike:** "There" on page 1, line 30 through "inspection." on page 2, line 19

**Insert:** "There are many types of mold. Inhabitable properties are not, and cannot be, constructed to exclude mold. Moisture is one of the most significant factors contributing to mold growth. Information about controlling mold growth may be available from your county extension agent or health department. Certain strains of mold may cause damage to property and may adversely affect the health of susceptible persons, including allergic reactions that may include skin, eye, nose, and throat irritation. Certain strains of mold may cause infections, particularly in individuals with suppressed immune systems. Some experts contend that certain strains of mold may cause serious and even life-threatening diseases. However, experts do not agree about the nature and extent of the health problems caused by mold or about the level of mold exposure that may cause health problems. The Centers for Disease Control and Prevention is studying the link between mold and serious health conditions. The seller, landlord, seller's agent, buyer's agent, or property manager cannot and does not represent or warrant the absence of mold. It is the buyer's or tenant's obligation to determine whether a mold problem is present. To do so, the buyer or tenant should hire a qualified inspector and make

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any contract to purchase, rent, or lease contingent upon the results of that inspection."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallik moved **HB 536**, second reading copy, be further amended as follows :

1. Title, line 7.

**Strike:** "LANDLORDS,"

**Following:** "SELLER'S AGENTS,"

**Insert:** "AND"

**Following:** "BUYER'S AGENTS"

**Strike:** ", AND"

2. Title, line 8.

**Strike:** "PROPERTY MANAGERS"

3. Page 1, line 26 through line 27.

**Following:** "sale" on line 26

**Strike:** ", " through "lease" on line 27

4. Page 1, line 27.

**Strike:** "landlord,"

**Following:** "seller's agent,"

**Insert:** "or"

5. Page 1, line 27 through line 28.

**Following:** "buyer's agent"

**Strike:** ", " on line 27 through "manager" on line 28

6. Page 1, line 28.

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**Following:** "to the buyer"

**Strike:** "or tenant"

**Following:** "and the buyer"

**Strike:** "or tenant"

7. Page 2, line 13.

**Strike:** "landlord,"

**Following:** "seller's agent,"

**Insert:** "or"

8. Page 2, line 13 through line 14.

**Following:** "buyer's agent"

**Strike:** ", " on line 13 through "manager" on line 14

9. Page 2, line 15.

**Strike:** "or tenant's"

10. Page 2, line 16.

**Following:** "purchased"

**Strike:** ",rented, or leased"

**Following:** "buyer's"

**Strike:** "or"

11. Page 2, line 17.

**Strike:** "tenant's"

**Following:** "buyer"

**Strike:** "or tenant"

12. Page 2, line 18.

**Strike:** "or tenant"

**Following:** "purchase"

**Strike:** ", rent, or lease"

13. Page 2, line 20.

**Following:** "a seller"

**Strike:** "or landlord"

**Following:** "the seller"

**Strike:** "or landlord"

14. Page 2, line 21.

**Strike:** "or tenant"

**Following:** "purchase"

**Strike:** ", rent, or lease"

15. Page 2, line 23.

**Strike:** "or tenant"

16. Page 2, line 25.

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**Strike:** "landlord,"  
**Following:** "seller's agent,"  
**Insert:** "or"  
**Following:** "buyer's agent"  
**Strike:** ", or property manager"

17. Page 2, line 29.

**Strike:** "landlord,"  
**Following:** "seller's agent,"  
**Insert:** "or"  
**Following:** "buyer's agent"  
**Strike:** ", or property manager"

18. Page 2, following line 30.

**Insert:** "(4) The provisions of [sections 1 through 3] do not relieve sellers' agents or buyers' agents of any duties required of them by 37-51-313."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fuchs, Golie, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallik moved the amendment (amendment #2 sections #1-17) to be divided. Thereupon, amendment #2 sections #1-17 was **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange,

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Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Harris moved **HB 536**, second reading copy, be further amended as follows :

1. Title, page 1, line 7 through line 8.

**Following:** line 6

**Strike:** the first "AND" on line 7 through "REQUIREMENTS" on line 8

2. Page 1, line 25.

**Following:** "testing"

**Strike:** "--" through "liability"

3. Page 2, line 14 through line 19.

**Strike:** "It" on line 14 through "." on line 19

4. Page 2, line 29 through line 30.

**Strike:** subsection (3) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Laszloffy moved for cloture. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Hawk, Hedges, Jackson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Bixby, Buzzas, Dowell, Fisher, Forrester, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Juneau, Noennig, Small-Eastman, Wanzenried, Windy Boy.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 536**, as amended, do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 120** - Representative Lenhart moved **HB 120** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Rome, Ryan, Schrumpf, Small-Eastman, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 67

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Noes: Andersen, Balyeat, Barrett, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hedges, Kasten, Lake, Laszloffy, Lawson, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: Ross.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Haines moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzonried, Weiss, Wilson, Windy Boy.

Total 37

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Haines, Lenhart, A. Olson, Ross.

Total 5

**MOTIONS**

Representative Golie requested on **HB 407** that his name be removed as cosponsor. There being no objection, so ordered.

Representative Golie requested on **HB 465** that his name be removed as cosponsor. There being no objection, so ordered.

Representative R. Brown moved **HB 120** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 249** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 690** be taken from the Committee on Taxation and be rereferred to the



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Committee on Local Government. There being no objection, so ordered.

Representative Gallik moved **HB 536** be taken from third reading and be rereferred to the Committee on Judiciary. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The Speaker asked the House to join him singing Happy Birthday to Representative Hedges.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 20, 2003. Motion carried.

House adjourned at 2:58 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 20, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Bixby and Jent, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-first, thirty-second, thirty-third, and thirty-fourth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark escorted the Senate into the House chamber.

Speaker Mood recognized President Keenan and yielded the chair to him.

Senate Majority Leader Thomas moved the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, The Honorable Conrad Burns. Motion carried.

Senate Majority Leader Thomas moved the President be authorized to appoint a committee of four to notify the Honorable U.S. Senator Burns that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barkus, Senator Tropila, Representative Gillan and Representative Fuchs to escort The Honorable U.S. Senator Burns into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and U.S. Senator Conrad Burns into the House chamber.

Invocation by Pastor Keith Johnson of the Evangelical Covenant Church, followed by the Pledge of Allegiance.

President Keenan welcomed U.S. Senator Burns to the joint session. Senator Burns then gave the following address:

Mr. Speaker, Mr. President, Governor Martz, distinguished members of the House and Senate, special guests:

Allow me to open with a heart-felt appreciation for your service to our state of Montana. The work you do for our state is noble and exemplifies the self-sacrifice for the betterment of all Montanans.

Now that being said, the statement will not exempt you from your critics.

Thank you, and good afternoon. I know you all have a lot of work left to do, so I will keep this brief, and to the point.

Montana is currently confronted by challenges that threaten the future of our state. We suffer from a relentless drought, unemployment, a mounting deficit, a health care crisis, a sense of economic uncertainty.

Today, the engine of our economy is slow, but the problems we face are not just 'Montana' problems. States around

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the country face budget deficits and rising unemployment. New York, California, Florida, nearly every state in the union is struggling with its own problems.

Too often we focus on the bad, and ignore the good. I think that is a mistake. We need to look at our positives, and use them to correct our negatives. For example, last year, average unemployment in this nation was 6%.

Montana is beating the national average, with an unemployment rate of 4.2%. This number decreased from 2001 when unemployment sat at 4.6%. This does not tell a story of a state in shambles. It tells a story of a state that's eager to work and to produce for America, but that should come as no surprise to Montanans.

Montana is different from much of America. Individuals - not corporations - constitute the backbone of our economy. The family-operated business, farm or ranch; the small business owner. These are the businesses that allow our state economy to function. They typically employ less than 10 people, but they make up 72% of our state's businesses.

Most of our businesses focus on the basics, while keeping that vision of growth and expansion. They think about putting food on the table for their family, and those of their employees. They want to provide health care benefits, and they don't want to lay off workers, for their employees are more than a number; they are like extended family. These basics are more important than corporate jets, big CEO bonus packages, golden parachutes and vacation homes in the Bahamas.

In Montana, we are workhorses - not show horses.

Look at our agricultural community. We face water levels so low, you can walk across the Yellowstone at Livingston and not get your knees wet. New global markets and expanding international competition have depressed commodity prices. Yet we still produce some of the finest products available in the world today. There are those that express grave concern over free trade, and its erosion of our competitiveness and our jobs. I share those concerns. I also understand that free trade is a reality we must live with, so rather than fight it, we must leverage it.

In Washington, I am working to ensure that free trade does not bypass Montana. I have founded the U.S. - Asia Network, an organization that aims to promote economic freedom and security between our two regions. I have also recently been named co-chair of the U.S. - Taiwan business council.

Asia is already a major export market for the United States, and I feel it provides the greatest potential for opportunity here in Montana. Today, five of the top ten U.S. export markets for agricultural products are in Asia. After Canada and Mexico, Taiwan and Japan are Montana's two largest trade partners. Montana is also a well-known commodity in Asia, thanks to the legacy of one of our state's great leaders, Senator Mike Mansfield.

If Montana is 'Open for Business', let's look at what we're selling. I see our producers and small businesses using this Asian market opportunity to move their 'Made in Montana' products to the global stage in even greater numbers. Remember this. People, not governments, will promote and preserve our prosperity.

We need to look at what we have on our shelves. We have bountiful natural resources such as coal, timber, coal bed methane, and petroleum reserves. These resources, used domestically or exported abroad, would provide an economic boost for our state while reducing our dependence on terrorist-sponsored energy in the Middle East. These are possible solutions.

President Bush addressed the new frontier of energy in his State of the Union address when he talked of fuel cell

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research. I can't agree more. Montana holds great promise in clean, alternative energy production. We have a lot of sunshine, and from that we can harvest solar energy. We have an abundance of wind, (even when I'm not talking) and from that we can harvest energy. Most promising is hydrogen fuel cell energy, which I identified several years back as a great opportunity for Montana. Over the past several years, I have gotten funding for extensive research conducted in both Bozeman and Billings on this very technology, and Montana is a leader in our nation on this very important research.

We can't forget the need to provide better access to health care for Montanans. Insurance costs are skyrocketing, business are forced to pass those costs on to employees, and increasing numbers of people skip preventative care because of the impact on their pocketbook and a lack of adequate coverage. We need medical liability reform, as the costs of litigation on our medical professionals is driving health care cost increases on to everyone, and forcing dedicated, caring professionals out of practice. We need responsible prescription drug coverage, period. We need to expand medical savings accounts and provide tax incentives for health insurance coverage. We must continue our expansion of telemedicine to provide greater access and care for those in rural areas of our state. I am committed to doing what is right for Montanans, and will support common-sense changes to our health care benefits at the federal level.

It is easy to get bogged down in the negative as you continue your work here in the legislature. I think you need to see what is good and positive here in our state. Those assembled here are regular Montanans who try to do what is best for their family and their community. Your underlying goal is to make our state a better place. I have some regular Montanans who are doing extraordinary things in our state, and I want to introduce them to you:

The first person I would like to recognize is Dr. Joe McDonald, President of Salish Kootenai College in Pablo. Dr. McDonald founded Salish Kootenai College 27 years ago, with a group of 30 students and classrooms in an old condemned school building.

He has seen the college grow to serve 1500 students who attend classes in new buildings that were constructed from Montana timber by SKC carpentry students. He has fostered a strong faculty, an outstanding library, and a tribal business development and information center that supports economic development on the Flathead Reservation.

Dr. McDonald has been a role model and leader in the national tribal college movement; a movement that includes seven fully accredited colleges in Montana and 27 similar colleges in eleven other states. It is a movement that has offered thousands of Native Americans and non-Indians living on or near reservations the opportunity for an education and the promise of a good job.

Also here today is Mike McCue, Chairman and CEO of LigoCyte Pharmaceuticals. We are all aware of the threat of bio-terrorism, both here and abroad. LigoCyte is leading the nation in developing protection from those threats. This company has expanded its infectious disease program to help treat and prevent numerous infectious diseases. With assistance from federal research grants, they are helping to protect the lives of our military personnel as they continue working on a new anthrax vaccine, one that is progressing very well and has received attention from the Department of Defense.

Through the work of Mike and his company, many new employment opportunities have become available for students educated at Montana universities, something crucial to attracting and keeping our educated youngsters in Montana, and allowing our state to flourish.

I would also like to bring attention to Brian Wolf and Jenny Hansen, two very influential people in the growing world of technology in Montana.

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Brian is the Chief Information Officer for the State of Montana, working to guide the implementation of information technology in the Montana State Government. He is also the Co-Chair of the Governor's Homeland Security Task Force. Jenny oversees 911 on the state level. I have worked closely with Jenny in my efforts to get 'e-911' up and running and at an acceptable level, the goal of which is to improve public safety by offering technology to emergency responders and allowing them to pinpoint the locations of a wireless user when calling 911. Jenny has also worked with the Governor's office to re-institute the Public Safety Services Office, and sits on numerous national councils, all associated with public safety.

Both Brian and Jenny have worked tirelessly to coordinate public safety in our state, promote new technology and growth, and forge new levels of agency cooperation, rapid response, and technological opportunity in Montana. Their efforts have made our communities safer, and our law enforcement and safety professionals more effective. This is a benefit to us all.

Ladies and gentlemen, let's give a round of applause to these dedicated Montanans.

As you finish this legislative session, give yourself the reminder that I do every single day. "Do No Harm." Your efforts, and those of countless other Montanans will plot our state a course for prosperity. We have the resources, we have the talent, we have the dedication. We will overcome these obstacles and continue our goal of making Montana a better place for our children, and our grandchildren.

Thank you for the work you do for our state. Thank you for your sacrifices. Thank you for taking the time from your busy schedule to listen to me. Now, get back to work!

President Keenan thanked U. S. Senator Conrad Burns for his address to the joint session. Speaker Mood requested the committee to escort Senator Burns and dignitaries from the House chambers.

Senate Majority Leader Thomas moved the joint session of the 58th Legislature, convened to receive the address from U. S. Senator Conrad Burns, be adjourned. Motion carried.

House reconvened at 1:35 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/20/2003

Correctly printed: **HB 249, HB 407, HB 416, HB 520, HB 559, HB 597, HB 616, HB 618.**

Correctly engrossed: **HB 42, HB 90, HB 283, HB 298, HB 411, HB 419, HB 426, HB 465, HB 538, HB 544, HB 578, HB 579, HB 627.**

**AGRICULTURE** (Rice, Chairman): 2/19/2003

**HB 531**, introduced bill, be amended as follows:

1. Title, page 1, line 11 through line 13.

**Strike:** "CLARIFYING" on line 11 through "ANIMALS;" on line 13

2. Page 1, line 25.

**Strike:** "or lethal"

3. Page 2, line 14.

**Following:** "(i)"

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**Strike:** "the erection" through "property"

**Insert:** "the erection of game-proof fences on private land to exclude game animals if the game-proof fences do not enclose public land"

4. Page 2, line 15.

**Following:** "property"

**Insert:** "if the activity does not occur on public lands or against any game animal on public lands, without authorization by the department"

5. Page 2, line 21 through line 27.

**Strike:** subsections (d) and (e) in their entirety

6. Page 3, line 28.

**Following:** "property"

**Insert:** " -- permit required"

7. Page 4, line 3.

**Following:** "at any time"

**Insert:** "and who hold a permit as provided in [section 4]"

8. Page 4, line 23.

**Insert:** "NEW SECTION. Section 4. Issuance of permits for use of aircraft -- rulemaking authority. (1) The department shall adopt rules providing for the issuance of permits to landowners for the use of aircraft to protect the landowners' property by driving, herding, or hazing game animals.

(2) The department may not issue a permit for the purpose of hunting game animals from aircraft.

(3) The rules must include but are not limited to:

(a) an application process;

(b) guidelines for voiding a permit; and

(c) notification requirements.

(4) The department shall issue a permit if the permit request is for the purpose of the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops as provided in 16 U.S.C. 742j-1.

(5) The department shall respond with an approval or denial to a permit request within 36 hours of receiving the request.

(6) A landowner who receives a permit shall report quarterly to the department:

(a) the approximate number of game animals driven, herded, or hazed from the property;

(b) the type of game animals driven, herded, or hazed from the property;

(c) the dates that aircraft were used for the purpose of the permit;

(d) a description of the area from which game animals were driven, herded, or hazed; and

(e) the instances that a department employee was in the aircraft or was involved in the driving, herding, or hazing.

(7) The department shall:

(a) upon issuance of a permit, provide immediate notification to the U.S. fish and wildlife service special agent in charge who has jurisdiction as provided in 50 CFR 19.31; and

(b) report annually to the U.S. secretary of the interior. The report must include but is not limited to information required by 16 U.S.C. 742j-1 and 50 CFR 19.32.

(8) A permit is in effect until voided by the commission for just cause. A landowner whose permit is subject to being voided has the right to a public hearing. A permit cannot be voided until after a public hearing is held and a final decision has been issued by the commission."

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**Insert:** "NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 4]."  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman):  
**HB 74**, introduced bill, be amended as follows:

2/20/2003

1. Title, page 1, line 8.

**Following:** "CIRCUMSTANCES;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 1, line 14.

**Strike:** "on June 29"

**Insert:** "prior to June 30"

**Following:** "determine"

**Insert:** "the timing of transfers and"

3. Page 1, line 16.

**Strike:** "2005"

**Insert:** "2004"

4. Page 1, line 18 through line 19.

**Following:** "greater than" on line 18

**Strike:** "the projected" on line 18 through "legislature" on line 19

**Insert:** "\$50 million"

5. Page 1.

**Following:** line 20

**Insert:** "NEW SECTION. Section 2. Appropriation. Of the money transferred in [section 1]:

(1) there is appropriated from the general fund for the 2005 biennium:

(a) \$1,000,000 to the legislative branch;

(b) \$7,100,000 to the judiciary;

(c) \$5,700,000 to the Montana university system;

(d) \$340,000 to the state library;

(e) \$163,000 to the department of natural resources and conservation;

(f) \$500,000 to the department of revenue;

(g) \$11,600,000 to the department of corrections;

(h) \$680,000 to the department of commerce;

(i) \$1,200,000 to the department of labor and industry; and

(j) \$28,000,000 to the department of public health and human services;

(2) an amount of \$30,021,000 is to be set aside as an unreserved designated fund balance in the general fund to mitigate the general fund cost of wildfire suppression."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 481**, introduced bill, be amended as follows:

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1. Title, line 5.

**Strike:** "ACUTE"

2. Page 1, line 10.

**Insert:** "WHEREAS, the Legislature recognizes that the failure to fully fund the cost of hospital care for Medicaid beneficiaries creates a burden on individuals who pay privately for hospital care by shifting cost from Medicaid to non-Medicaid patients in the state's hospitals; and

WHEREAS, the Legislature desires to alleviate the cost-shifting from Medicaid to other patients, while bearing in mind the financial circumstances facing the state; and

WHEREAS, it is the intent of the Legislature to find creative financing solutions and to maximize federal participation in the cost of programs whenever possible; and

WHEREAS, it is the intent of the Legislature to use the utilization fee established in this act as a means of providing additional Medicaid reimbursements to hospitals; and

WHEREAS, it is the intent of the Legislature that additional Medicaid reimbursements to hospitals exceed the cost of the assessment and that the utilization fee not be placed on patients' bills; and

WHEREAS, the Legislature enacts the following legislation as a means of relieving privately paying patients in hospitals from the burden of costs shifted from the Medicaid program and of maximizing federal funding of this program."

3. Page 1, line 17.

**Strike:** "acute,"

4. Page 2, line 5.

**Following:** "(2)"

**Insert:** "(a)"

5. Page 2, line 7.

**Following:** "[section 14]"

**Strike:** remainder of line 7 through "hospitals"

6. Page 2, line 8.

**Following:** line 7

**Insert:** " (b) A hospital may not place a fee created in [sections 1 through 13] on a patient's bill."

7. Page 3, line 4.

**Strike:** "quarter"

**Insert:** "year"

8. Page 5, line 30.

**Following:** "hospitals"

**Insert:** "and for the costs of collection of the fee and other administrative activities associated with the implementation of increases in the medicaid payments to hospitals"

9. Page 6, line 6.

**Strike:** "\$ 6,918,556"

**Insert:** "\$ 7,225,925"

10. Page 6, line 7.



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**Strike:** "\$18,592,344"

**Insert:** "\$19,418,341"

11. Page 6, line 8.

**Strike:** "\$25,510,900"

**Insert:** "\$26,644,266"

12. Page 6, line 10.

**Strike:** "\$ 8,364,189"

**Insert:** "\$ 8,732,387"

13. Page 6, line 11.

**Strike:** "\$21,973,821"

**Insert:** "\$22,941,125"

14. Page 6, line 12.

**Strike:** "\$30,338,010"

**Insert:** "\$31,673,512"

15. Page 6, line 13.

**Following:** "The"

**Strike:** "appropriated"

16. Page 7, line 3.

**Following:** line 2

**Insert:** "(3) If the federal government determines that a part of [sections 1 through 13] violates federal law or regulations, that part is void as of the date of receipt by the department of public health and human services of notice of an official determination by the federal government. All valid parts of [sections 1 through 13] remain in effect. If the federal government determines that a part of [sections 1 through 13] violates federal law or regulations in one or more of its applications, then the department of public health and human services may not administer [sections 1 through 13] in a manner that violates the pertinent federal law or regulations after the date of receipt by the department of public health and human services of notice of an official determination by the federal government. All valid applications remain in effect."

**Renumber:** subsequent subsections

17. Page 7, line 3.

**Following:** "13]"

**Strike:** "become"

**Insert:** "or any part of [sections 1 through 13] imposing a fee on a specific facility becomes"

18. Page 7, line 4.

**Following:** "13]"

**Strike:** "become"

**Insert:** "or any part of [sections 1 through 13] becomes"

19. Page 7, line 6.

**Following:** "13]"

**Strike:** "become"

**Insert:** "or any part of [sections 1 through 13] becomes"

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20. Page 7, line 7.

**Following:** "void."

**Insert:** "Any fees owing as of the date on which [sections 1 through 13] becomes void are considered waived."

And, as amended, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman):

2/20/2003

**HB 302**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "A LOCALLY SELECTED"

**Insert:** "AN EMPLOYEE-SELECTED"

2. Title, page 1, line 14.

**Strike:** "A LOCALLY SELECTED"

**Insert:** "AN EMPLOYEE-SELECTED"

3. Title, page 1, line 18.

**Strike:** "BY CONTRACT"

4. Title, page 1, line 20.

**Strike:** "TO ISSUE LOANS"

**Insert:** "A LINE OF CREDIT"

**Following:** "RESERVES;"

**Insert:** "PROVIDING ADDITIONAL LOAN AUTHORITY TO THE BOARD OF INVESTMENTS;"

5. Title, page 1, line 21.

**Strike:** "LOANS"

**Insert:** "THE LOAN AND LINE OF CREDIT"

6. Title, page 1, line 22.

**Following:** "10 YEARS;"

**Insert:** "PROHIBITING THE USE OF THE BOARD OF INVESTMENT LOAN OR LINE OF CREDIT TO PAY  
OFF CLAIMS OR LIABILITIES INCURRED PRIOR TO JULY 1, 2004;"

7. Title, page 1, line 23.

**Following:** "2-18-103"

**Insert:** ", 17-5-1608,"

8. Page 2, line 12.

**Following:** "members"

**Insert:** ", through the public school benefits board,"

9. Page 2, line 24.

**Following:** line 23

**Insert:** "(3) "Composite-rate premium" means the average per-enrollee premium cost for all local district  
cooperative members who are otherwise enrolled in the statewide core benefits or other group benefits plans  
pursuant to the tiered-rate premiums established by the board."

**Renumber:** subsequent subsections

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10. Page 2, line 30.

**Following:** "plan"

**Insert:** ", other than a health benefit plan provided by a multiple employer welfare arrangement,"

11. Page 3, line 19.

**Following:** line 18

**Insert:** "(13) "Multiple employer welfare arrangement" means a national health and benefits program, as defined by section 3(40) of the Employee Retirement Income Security Act of 1974, that is sponsored by a national union and incorporated into a local school district or cooperative collective bargaining agreement."

12. Page 3, line 22.

**Following:** "plan"

**Insert:** "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

13. Page 3, line 26.

**Following:** "system"

**Insert:** "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

14. Page 3, line 28.

**Following:** "district"

**Strike:** ", "

**Insert:** "or"

**Following:** "cooperative"

**Strike:** ", " through "school"

15. Page 3, line 30.

**Following:** "in"

**Strike:** "either"

**Following:** "district's"

**Insert:** ", cooperative's,"

**Following:** "plan"

**Insert:** "and at the time of termination of employment elected continued enrollment in the school district, cooperative, or statewide public school health benefit plan"

16. Page 4, line 6.

**Following:** line 5

**Insert:** "(16) "Tiered-rate premium" means the premium cost established by the board that is necessary to fund members enrolled as single, single and dependents, two-party, family, and other enrollment categories established by the board."

**Renumber:** subsequent section

17. Page 4, line 12.

**Strike:** "health"

**Insert:** "core and other group"

18. Page 4, line 13.

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**Strike:** "health"

**Insert:** "core and other group"

19. Page 4, line 24.

**Strike:** "employer's"

**Insert:** "employee's"

20. Page 4, line 25.

**Following:** "and"

**Insert:** "of the employer's selection of"

21. Page 5, line 2.

**Strike:** "employer"

**Insert:** "employee"

22. Page 5, line 7.

**Strike:** "10-9-201"

**Insert:** "20-9-201"

23. Page 5, line 9.

**Strike:** "employer"

**Insert:** "employee"

24. Page 5, line 11.

**Following:** "plan"

**Insert:** ", pay administration costs,"

25. Page 5, line 13.

**Following:** "selection of"

**Insert:** "tiered-rate or composite-rate premium structure for"

**Following:** "benefits"

**Insert:** "premium payments"

26. Page 5, line 14.

**Strike:** "locally selected"

**Insert:** "employee-selected"

27. Page 5, line 18.

**Following:** "selection of"

**Insert:** "tiered-rate or composite-rate premium structure for"

**Following:** "benefits"

**Insert:** "premium payments"

28. Page 5, line 28.

**Following:** "claims"

**Insert:** ", payment of administrative costs, and loan repayments"

29. Page 5, line 29.

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**Following:** "plan"

**Insert:** "and to maintain actuarially sound reserves considered necessary for the plan"

**Following:** line 29

**Insert:** "(10) If premiums and other income collected in a fiscal year are insufficient to fully fund the claims liabilities and all expenses incurred for that year, premiums for the ensuing year must be increased to collect the revenue necessary to repay losses.

(11) If premiums and other income collected in a fiscal year exceed the amount necessary to fully fund the claims liabilities and all expenses incurred during that year, premiums for the ensuing fiscal year must be reduced to return the surplus to plan participants.

(12) If the board acts to add or eliminate benefits from any plan, the premiums for the plan must be increased by amounts actuarially required to pay for increased benefits or decreased by amounts actuarially determined to be saved by elimination of benefits."

**Renumber:** subsequent subsections

30. Page 6, line 10.

**Following:** line 9

**Insert:** "(16) Complying with the requirements of [sections 1 through 7] may not be interpreted as a refusal to bargain in good faith with an exclusive representative in violation of 39-31-401(5)."

31. Page 6, line 15.

**Following:** "(a)"

**Strike:** "two"

**Insert:** "four members, including two"

**Following:** "trustees"

**Insert:** "and two public school administrators"

**Strike:** "up to four"

**Insert:** "eight"

**Following:** "submitted"

**Insert:** "jointly"

32. Page 6, line 16.

**Following:** "association"

**Insert:** ", the Montana rural education association, and the school administrators of Montana"

33. Page 6, lines 17 through 18.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

34. Page 6, line 20.

**Strike:** "up to"

**Following:** "personnel"

**Insert:** "and at least one nominee must be from a first-class district and at least one nominee must be from a second-class or third-class district, as defined in 20-6-201 and 20-6-301"

35. Page 6, line 24.

**Strike:** "through (2)(c)"

**Insert:** "and (2)(b)"

36. Page 6, line 25.

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**Following:** line 24

**Insert:** "(d) Of the eight nominees in subsections (2)(a) and (2)(b), at least one administrative and one trustee nominee must be from a first-class district and at least one administrative and one trustee nominee must be from a second-class or third-class district, as defined in 20-6-201 and 20-6-301."

37. Page 7, line 5.

**Strike:** "-- exemption"

38. Page 7, line 10.

**Strike:** "quarterly"

**Insert:** "six times annually"

39. Page 8, line 1.

**Following:** "employee's"

**Strike:** "proven" through "coverage"

**Insert:** "signed statement declining enrollment in the plan and acknowledging relinquishment of enrollment rights until the next fiscal year's general enrollment period as established by the board"

40. Page 8, line 2.

**Following:** "personnel"

**Insert:** ", including an administrative accountant responsible for direct entry and access to the state budgeting and accounting database, and may"

**Following:** "contract,"

**Insert:** "hire personnel"

41. Page 8, line 6.

**Following:** "systems"

**Strike:** "and"

**Following:** "materials"

**Strike:** "and"

**Insert:** ", "

42. Page 8, line 7.

**Following:** "enrollment"

**Insert:** "and claims"

**Following:** "procedures"

**Insert:** ", and providing members with assistance as needed for claims submission and processing"

43. Page 8, line 16.

**Following:** ";

**Strike:** "and"

44. Page 8, line 19.

**Following:** "plans"

**Insert:** "; and

(h) providing assistance for members and employers to establish and maintain locally available wellness programs"

45. Page 8, line 20.

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**Following:** line 19

**Insert:** "(3) The board shall contract with regional or locally licensed insurance agents to provide services described in subsections (2)(f) and (2)(g)."

**Renumber:** subsequent subsections

46. Page 8, line 24.

**Strike:** "exempt from"

**Insert:** "subject to"

47. Page 8, line 25.

**Following:** line 24

**Insert:** "(6) At least every 3 years, contracted services for monthly enrollment, billing, and claims processing must be bid separately or jointly by the board on a monthly basis for each employee based on the number of enrolled employees in the statewide public school risk pool. The board shall consider the enrollment, billing, and claims processing charges with regard to any coupled or independent provider reimbursement schedules made available through providers directly or provided by vendors or for stop-loss as described in subsection (7). A contract accepted for these services for more than 1 year must limit the annual increase in contract price to no more than the annual rate of growth in the consumer price index, U.S. city average, for all urban consumers.

(7) The board shall purchase individual, individual and aggregate, or aggregate stop-loss insurance for the first 2 years of operation of the statewide public school risk pool and health benefit plans."

48. Page 8, line 26.

**Strike:** "Biennial"

**Insert:** "Annual"

49. Page 8, line 28.

**Strike:** "2 years"

**Insert:** "year"

**Strike:** "2-year period"

**Insert:** "fiscal year"

50. Page 9, line 1.

**Following:** "loan"

**Insert:** "and line of credit -- limitations on use"

51. Page 9, line 3.

**Strike:** "\$2"

**Insert:** "\$1.2"

52. Page 9, line 5.

**Following:** "2003,"

**Insert:** "authorize and"

**Strike:** "loan"

**Insert:** "line of credit"

53. Page 9, line 6.

**Strike:** "\$26"

**Insert:** "\$18"

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**Following:** "million"

**Insert:** "to be available on or before July 1, 2004,"

54. Page 9, line 8.

**Strike:** "loans"

**Insert:** "loan and line of credit"

55. Page 9, line 11.

**Following:** "loan"

**Insert:** "or line of credit"

56. Page 9, line 12.

**Strike:** "loans"

**Insert:** "loan or line of credit"

**Following:** "core"

**Insert:** "and other group"

57. Page 9, line 13.

**Following:** line 12

**Insert:** "(5) The loan authorized in subsection (1) and the line of credit authorized in subsection (2) may not be used to pay any claims incurred, but not paid, prior to July 1, 2004, or for any other liabilities incurred prior to July 1, 2004."

58. Page 9, lines 15 and 16.

**Following:** "employees"

**Strike:** remainder of line 15 through "board" on line 16

**Strike:** "(1)" on line 16

59. Page 9, line 18.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

60. Page 10, lines 13 through 15.

**Following:** "2-15-218" on line 13

**Insert:** ";

**Strike:** " " through "4" on line 15

**Insert:** ";

(21) employees of the public school benefits board established in [section 4]"

61. Page 10, line 16.

**Following:** line 15

**Insert:** "Section 9. Section 17-5-1608, MCA, is amended to read:

**"17-5-1608. (Temporary) Limitations on amounts.** The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$98 million. (Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

**17-5-1608. (Effective July 1, 2011) Limitations on amounts.** The board may not issue any bonds or



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notes that cause the total outstanding indebtedness of the board under this part (except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101) to exceed \$75 million.""

**Renumber:** subsequent sections

62. Page 11, line 27.

**Following:** line 26

**Insert:** "NEW SECTION. Section 13. Contingent voidness. If the board of investments fails to provide to the public school benefits board the \$1.2 million loan for the biennium beginning July 1, 2003, and ending June 30, 2004, to implement the statewide public school risk pool and health benefit plans pursuant to [section 7(1)] or fails to authorize the line of credit in the amount of \$18 million by July 1, 2003, to establish reserves pursuant to [section 7(2)], then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 572**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "FOR"

**Insert:** "SPECIAL EDUCATION"

2. Title, page 1, lines 6 and 7.

**Following:** "TO" on line 6

**Strike:** remainder of line 6 through "CERTAIN" on line 7

**Insert:** "CONSIDER THE AVAILABILITY OF ELECTRONIC VERSIONS OF TEXTBOOKS IN THE  
SELECTION OF"

3. Title, page 1, line 8.

**Strike:** "AN"

**Insert:** "A DELAYED"

4. Page 1, line 28.

**Strike:** "individualized education program"

**Insert:** "child study"

5. Page 2, line 2.

**Strike:** "individualized education program"

**Insert:** "child study"

6. Page 2, line 6.

**Following:** "training."

**Strike:** "A"

**Insert:** "If scholarships are available, a special education"

7. Page 2, line 11.

**Strike:** "preference"

**Insert:** "-- availability of electronic version to be considered -- limit on price"

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8. Page 2, line 12.

**Following:** "shall"

**Strike:** "give" through "with"

**Insert:** "consider the availability of"

9. Page 2, line 13.

**Following:** "produced"

**Insert:** "as one of the criteria that must be used in the selection of a textbook"

**Following:** "."

**Insert:** "The price of an electronic version of a textbook may not exceed the price of an available nonelectronic version of the textbook by more than \$1,000."

10. Page 2, line 20.

**Strike:** "preference" through "with"

11. Page 2, line 21.

**Following:** "produced"

**Insert:** "must be selected if the electronic version meets the textbook selection criteria established by the district"

12. Page 2, line 27.

**Strike:** "2003"

**Insert:** "2004"

And, as amended, do pass. Report adopted.

**HB 573**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Following:** "professional"

**Insert:** ", as defined in 33-36-103,"

**Following:** "or"

**Insert:** "a"

2. Page 1, lines 24 and 25.

**Following:** "damages"

**Strike:** remainder of line 24 through "omissions" on line 25

**Following:** "glucagon" on line 25

**Insert:** "unless the acts or omission is the result of gross negligence, willful or wanton misconduct, or an intentional tort"

3. Page 1, line 27.

**Strike:** "for" through "omissions"

**Following:** "glucagon"

**Insert:** "unless the acts or omission is the result of gross negligence, willful or wanton misconduct, or an intentional tort"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/20/2003

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**HB 484**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Following:** "BEHAVIOR" on line 6

**Strike:** remainder of line 6 through the second "PROGRAM" on line 7

2. Page 2, line 30.

**Strike:** "or"

3. Page 3, line 1.

**Strike:** "and"

**Insert:** "or"

4. Page 3, lines 2 and 3.

**Following:** "program" on line 2

**Strike:** remainder of line 2 through the second "program" on line 3

**Insert:** "that holds the offender accountable for the offender's violent or controlling behavior"

And, as amended, do pass. Report adopted.

**HB 493**, introduced bill, be amended as follows:

1. Page 2, line 27.

**Following:** "50-5-101"

**Insert:** ", that provides its own employees to perform services at and on behalf of another health care facility or at and on behalf of a private office of physicians, dentists, or other physical or mental health care workers licensed and regulated under Title 37"

And, as amended, do pass. Report adopted.

**HB 557**, do pass. Report adopted.

**HB 569**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "age"

**Insert:** "that will be funded contingent upon available resources through state, federal, or private sources"

And, as amended, do pass. Report adopted.

**HB 585**, do pass. Report adopted.

**HB 647**, do pass. Report adopted.

**HJR 19**, introduced joint resolution, be amended as follows:

1. Page 1, line 19.

**Following:** "states"

**Insert:** "; and

WHEREAS, federal regulations and the Centers for Medicare and Medicaid Services require three formal consultations with tribal governments regarding any major changes within the existing Medicaid and related programs; and

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WHEREAS, the State of Montana recognizes the seven federally recognized Indian tribes in Montana, and the Legislature directs the Department of Public Health and Human Services to recognize and include the seven federally recognized tribal governments in Montana within all aspects of a Department study; and

WHEREAS, upon participation of the seven federally recognized tribes in Montana, the Legislature directs the Department of Public Health and Human Services to include the seven tribal governments in any aspect of the study and include the recommendations and participation in the report to the Legislature"

2. Page 2, line 3.

**Insert:** "BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa."

And, as amended, be adopted and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/20/2003

**HB 327**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** ", INCLUDING" on line 5 through "AGREEMENT" on line 6

**Insert:** "THAT RELATE TO A PUBLIC HAZARD; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1, line 10.

**Following:** "actions"

**Insert:** "that relate to public hazard"

3. Page 1, line 10 through line 11.

**Strike:** "settlement" on line 10 through "agreements" on line 11

**Insert:** "discovery documents"

4. Page 1, line 12.

**Strike:** "filed in proceedings that are open to the public"

5. Page 1, line 15.

**Following:** "disclosure."

**Insert:** "The public has a significant interest in public hazards. A public hazard is a deceptive financial practice, hazardous substance, or product that has caused or is likely to cause injury as defined in 27-1-106."

6. Page 1, line 16.

**Following:** "(2)"

**Insert:** "(a)"

**Following:** the first "document"

**Insert:** "filed"

7. Page 1, line 16 through line 17.

**Strike:** ", including" on line 16 through "settlement," on line 17

**Insert:** "or a document obtained through discovery"

8. Page 1, line 17.

**Following:** "inspection"

**Insert:** "if the document relates to a public hazard"

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9. Page 1, line 17 through line 18.

**Strike:** "Neither" on line 17 through "prevent" on line 18

**Insert:** "(b) A court may not enter an order that prevents"

**Following:** "document" on line 18

**Insert:** "referred to in subsection (2)(a)"

10. Page 1, line 20.

**Following:** "document"

**Insert:** "if the order has the purpose or effect of concealing a public hazard"

11. Page 1, line 21.

**Following:** line 20

**Insert:** "(c) A written agreement or contract that is entered into pursuant to civil litigation and that has the purpose or effect of concealing a public hazard is contrary to public policy and is void and may not be enforced."

12. Page 1, line 21.

**Strike:** "settlement agreement"

**Insert:** "discovery document"

13. Page 1, line 22.

**Following:** line 21

**Insert:** "(a) concerning a trade secret, as defined in 30-14-402, that is not pertinent to a public hazard;

(b) relating to child custody, establishment of paternity, protection of a child under Title 42, protection of an elderly or developmentally disabled person from abuse or neglect under Title 52, chapter 3, or involuntary commitment of a person alleged to be seriously developmentally disabled, suffering from a mental disorder, or an alcoholic;

(c) concerning other information that is confidential under state or federal law;"

**Renumber:** subsequent subsections

14. Page 1, line 24.

**Strike:** ", upon" through "document,"

15. Page 1, line 25 through line 26.

**Strike:** "settlement" on line 25 through "other" on line 26

16. Page 1, line 27.

**Insert:** "NEW SECTION. Section 2. Applicability. [This act] applies to cases filed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 639**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/20/2003

**HB 370**, introduced bill, be amended as follows:

1. Page 2, line 11.

**Following:** "of"

**Strike:** "land"

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**Insert:** "record"

2. Page 10, line 3.

**Following:** "(4)"

**Insert:** "(a)"

3. Page 10.

**Following:** line 5

**Insert:** "(b) A preliminary plat is not required to be submitted for a minor subdivision if the following requirements are met:

(i) Proper access to all lots is provided.

(ii) No land in the subdivision will be dedicated to public use for parks or playgrounds.

(iii) The plat has been approved by the department of environmental quality whenever approval is required by Title 76, chapter 4, part 1."

And, as amended, do pass. Report adopted.

**HB 527**, introduced bill, be amended as follows:

1. Page 7, line 3.

**Following:** "mine"

**Insert:** "or mine-related facilities"

**Following:** "located."

**Insert:** "The consultation must include a description of proposed postmining uses and a verifiable listing of prospective entities, groups, or individuals committed to using specific mine-related facilities."

2. Page 9, line 24.

**Following:** "use."

**Insert:** "If the reclamation plan provides that specific mine-related facilities will not be removed or that the disturbed land associated with the facilities will not be reclaimed by the permittee, the following apply:

(i) The postmining use of the mine-related facilities must be approved by the department.

(ii) The liability for final reclamation of the mine-related facilities or disturbed land associated with the facilities may not be transferred from the permittee to a subsequent owner, operator, or lessee without approval by the department.

(iii) The department may require a separate bond from the subsequent owner, operator, or lessee, or the department may retain a portion of the mine permittee's bond sufficient to address any final reclamation requirements for the mine-related facilities that remain postmining.

(iv) In the absence of a binding agreement for a legitimate postmining use of mine-related facilities upon cessation of mine operations, defined as the removal or processing of ore material, the permittee shall comply with the reclamation requirements of this part and the reclamation plan within the time limits established in subsection (3)."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/19/2003

**HB 382**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

2/20/2003

**HB 189**, introduced bill, be amended as follows:

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1. Title, line 9.

**Strike:** "MORE" through "CARRY"

**Insert:** "ANOTHER PERSON ON THE HANDLEBARS OF THE BICYCLE"

2. Page 2, line 25.

**Following:** "bicycles"

**Insert:** " -- riding on handlebars prohibited"

**Strike:** "(1)"

3. Page 2, line 25 through line 29.

**Strike:** "ride" on line 25 through "children" on line 29

**Insert:** "carry another person on the handlebars of the bicycle"

4. Page 4, line 11.

**Strike:** "use" through "bicycle"

**Insert:** "person from keeping at least one hand on the handlebars"

5. Page 4, line 16.

**Strike:** "(4)"

**Insert:** "(3)"

6. Page 5, line 3 through line 12.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

7. Page 7.

**Following:** line 18

**Insert:** "NEW SECTION. Section 15. Bicycle and pedestrian services part of biennial survey. The department of transportation shall include bicycle and pedestrian services as part of its biennial transportation survey."

**Renumber:** subsequent section

8. Page 7, line 20.

**Strike:** "14"

**Insert:** "15"

9. Page 7, line 22.

**Strike:** "14"

**Insert:** "15"

And, as amended, do pass. Report adopted.

**HB 556**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 591**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/19/2003

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**SB 204**, introduced by Taylor  
**SB 316**, introduced by Grimes

**House bills** concurred in and returned to the House: 2/19/2003

**HB 22**, introduced by Kaufmann  
**HB 51**, introduced by E. Clark  
**HB 80**, introduced by Jackson  
**HB 112**, introduced by Pattison  
**HB 121**, introduced by E. Clark  
**HB 151**, introduced by B. Olson  
**HB 406**, introduced by Waitschies

**House joint resolution** concurred in and returned to the House: 2/19/2003

**HJR 6**, introduced by D. Brown

**MESSAGES FROM THE GOVERNOR**

February 19, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 96** sponsored by Representative Devlin and **House Bill 143** sponsored by Representative Lambert on February 19, 2003.

Sincerely,

JUDY MARTZ  
Governor

February 20, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 115** sponsored by Representative Bookout-Reinicke and **House Bill 233** sponsored by Representative Waitschies on February 20, 2003.



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Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 718**, introduced by Lindeen, referred to Appropriations.

**HB 719**, introduced by A. Olson, Brueggeman, Forrester, Gallus, Gebhardt, Keenan, Mangan, Mood, Ripley, Shea, Sinrud, F. Thomas, Wilson, Witt, Younkin, referred to State Administration.

**HB 720**, introduced by Hurwitz, Barrett, Rice, Ripley, referred to Agriculture.

**HB 721**, introduced by Erickson, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 32**, introduced by Haines, Andersen, Balyeat, Barrett, Bookout-Reinicke, E. Clark, Devlin, Everett, Fisher, Fuchs, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Mendenhall, Mood, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, B. Thomas, Wagman, Witt, referred to Fish, Wildlife and Parks.

**HJR 33**, introduced by Gallik, Bergren, Bohlinger, Gutsche, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 1**, introduced by McCarthy, referred to State Administration.

**SB 3**, introduced by Harrington (by request of the Clerk of the Supreme Court and the Law and Justice Interim Committee), referred to Judiciary.

**SB 5**, introduced by Tash (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 10**, introduced by Grimes (by request of the Code Commissioner), referred to Judiciary.

**SB 14**, introduced by McCarthy (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 17**, introduced by McGee (by request of the Legislative Council), referred to State Administration.

**SB 19**, introduced by Grimes (by request of the Supreme Court), referred to Judiciary.

**SB 20**, introduced by Grimes (by request of the Supreme Court), referred to Judiciary.

**SB 21**, introduced by McNutt (by request of the Department of Administration), referred to Business and Labor.

**SB 22**, introduced by Nelson, E. Clark, Keane, Lehman, Tester, Witt, (by request of the Department of Agriculture), referred to Agriculture.

**SB 23**, introduced by Butcher, Devlin, Kasten, Lehman, Lewis, Nelson, Pattison, Rice, Tester, B. Thomas, Witt (by request of the Department of Agriculture), referred to Agriculture.

**SB 24**, introduced by Mangan, referred to Local Government.

**SB 25**, introduced by Mangan (by request of the Department of Corrections), referred to Judiciary.

**SB 26**, introduced by Mangan (by request of the Department of Administration), referred to Business and Labor.

**SB 27**, introduced by Johnson (by request of the Department of Agriculture), referred to Natural Resources.

**SB 28**, introduced by Mangan (by request of the Department of Administration), referred to Business and Labor.

**SB 31**, introduced by Cobb, referred to Taxation.

**SB 32**, introduced by Mahlum (by request of the Department of Administration), referred to Judiciary.

**SB 33**, introduced by Cobb, referred to Local Government.

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**SB 34**, introduced by Barkus (by request of the Department of Transportation), referred to Transportation.  
**SB 35**, introduced by Grimes (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Judiciary.  
**SB 36**, introduced by Grimes (by request of the Supreme Court), referred to Business and Labor.  
**SB 38**, introduced by Mahlum (by request of the Commissioner of Political Practices), referred to State Administration.  
**SB 39**, introduced by Mahlum (by request of the Department of Transportation), referred to Judiciary.  
**SB 40**, introduced by Mahlum (by request of the Department of Justice and the Department of Revenue), referred to Business and Labor.  
**SB 45**, introduced by Gebhardt, referred to Local Government.  
**SB 47**, introduced by Gebhardt, referred to Local Government.  
**SB 49**, introduced by Shea, referred to Judiciary.

Majority Leader Brown moved that the House recess until 2:05 p.m. for caucuses. Motion carried.

House recessed at 1:45 p.m.

House reconvened at 2:07 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Buzzas in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 190** - Representative Younkin moved **HB 190** do pass.

Representative Dickenson moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "ALL"

**Insert:** "CERTAIN"

2. Page 4, line 21.

**Strike:** "as provided by law"

**Insert:** "during the voter registration process, except an elector who registered by mail"

3. Page 5, line 7 through line 8.

**Strike:** "whose" on line 7 through "law" on line 8

**Insert:** "who is not a legally registered elector"

4. Page 15, line 29.

**Following:** "vote"

**Insert:** "-- name as legally registered elector prima facie evidence of right to vote"

5. Page 15.

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**Following:** line 29

**Insert:** "(1) The fact that an elector's name appears on the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

6. Page 15, line 30.

**Following:** "~~(2)~~"

**Insert:** "(2)"

7. Page 16, line 3.

**Following:** "~~precinct~~."

**Insert:** "The fact that an elector's name appears on a special addendum to the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

8. Page 19, line 4.

**Following:** "elector"

**Insert:** "who is not a legally registered elector"

9. Page 19.

**Following:** line 16

**Insert:** "(2) A legally registered elector does not have to present identification but must sign the precinct register before being given a ballot."

10. Page 19, line 17.

**Strike:** "~~(2)~~"

**Insert:** "(3)"

11. Page 19, line 20.

**Strike:** "~~(3)~~"

**Insert:** "(4)"

12. Page 19, line 22.

**Strike:** "~~(4)~~"

**Insert:** "(5)"

13. Page 21, line 15.

**Following:** "If"

**Strike:** "~~the~~"

**Insert:** "a provisionally registered"

14. Page 21, line 19.

**Following:** "If"

**Strike:** "the"

**Insert:** "a provisionally registered"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman,

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Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: Bixby, Jent.  
Total 2

Absent or not voting: None.  
Total 0

Representative Jacobson moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 12.  
**Strike:** "REVISING" through "1."

2. Title, page 1, line 24.  
**Strike:** "13-13-205,"

3. Page 20, lines 6, 20, and 28.  
**Strike:** "35"  
**Insert:** "34"

4. Page 22, line 4.  
**Strike:** "35"  
**Insert:** "34"

5. Page 22, line 8 through line 13.  
**Strike:** section 27 in its entirety  
**Renumber:** subsequent sections

6. Page 25, line 12.  
**Strike:** "35"  
**Insert:** "34"

7. Page 26, line 8.  
**Strike:** "35"  
**Insert:** "34"

8. Page 31, line 18 and line 19.  
**Strike:** "35"  
**Insert:** "34"

Amendment **not** adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Voted Absentee: Bixby, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

Representative Becker moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 13 through line 14.

**Strike:** "CLARIFYING" on line 13 through "¿" on line 14

2. Title, page 1, line 24.

**Strike:** "13-13-212,"

3. Page 20, lines 6, 20, and 28.

**Strike:** "35"

**Insert:** "34"

4. Page 22, line 4.

**Strike:** "35"

**Insert:** "34"

5. Page 22, line 15 through page 23, line 7.

**Strike:** section 29 in its entirety

**Renumber:** subsequent sections

6. Page 25, line 12.

**Strike:** "35"

**Insert:** "34"

7. Page 26, line 8.

**Strike:** "35"

**Insert:** "34"

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8. Page 31, line 18 and line 19.

**Strike:** "35"

**Insert:** "34"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Voted Absentee: Bixby, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 190** do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Voted Absentee: Bixby, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Buzzas moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: Bixby, Jent.  
Total 2

Absent or not voting: Mendenhall.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 458**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bixby, Jent.  
Total 2

Absent or not voting: Shockley.  
Total 1

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**HB 532**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Wanzenried, Windy Boy.

Total 2

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

**HB 548**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 77

Noes: Branae, Buzzas, Carney, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Juneau, Lindeen, Ryan, Wanzenried, Weiss, Wilson.

Total 19

Excused: Bixby, Jent.

Total 2

Absent or not voting: R. Brown, Shockley.

Total 2

**HB 552**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,



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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Sales.  
Total 1

Excused: Bixby, Jent.  
Total 2

Absent or not voting: Shockley.  
Total 1

**HB 562**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bixby, Jent.  
Total 2

Absent or not voting: Shockley.  
Total 1

**HB 580**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Sales.

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Total 1

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

**HJR 16**, from consent calendar, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Ballantyne, Balyeat, Sales.

Total 3

Excused: Bixby, Jent.

Total 2

Absent or not voting: Lindeen, Shockley.

Total 2

**HJR 22**, from consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Brueggeman, Malcolm, Newman.

Total 3

Excused: Bixby, Jent.

Total 2

Absent or not voting: Shockley.

Total 1

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**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/20/2003

**HB 619**, introduced bill, be amended as follows:

1. Page 3, line 4.

**Following:** "Manual"

**Insert:** ", except the term does not include the transportation of logs or wood chips"

2. Page 6, line 24.

**Following:** "(5)"

**Insert:** "(a)"

3. Page 6, line 24 through line 25.

**Strike:** "or" on line 24 through "39-71-116," on line 25

4. Page 6, following line 26.

**Insert:** "(b) Employers from another state who are engaged in the logging industry and who employ workers from another state who work in this state for more than 30 days in any calendar year shall obtain coverage for those workers under the provisions of this chapter."

And, as amended, do pass. Report adopted.

**HB 635**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 636**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "LAW ENFORCEMENT ROTATION SYSTEM"

2. Page 4, line 6.

**Strike:** "law enforcement rotation system"

3. Page 4, line 7 through line 8.

**Strike:** "law" on line 7 through "system" on line 8

4. Page 4, line 17.

**Following:** "about"

**Strike:** "the"

**Strike:** "law enforcement rotation system"

**Insert:** "issues, including towing charges,"

5. Page 4, line 18.

**Strike:** "61-8-908(3)"

**Insert:** "this part"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman):

2/20/2003

**HB 509**, introduced bill, be amended as follows:

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1. Title, page 2, line 11.

**Strike:** "69-8-209,"

2. Page 10, line 2.

**Strike:** "100"

**Insert:** "50"

3. Page 10, line 3.

**Strike:** "100"

**Insert:** "50"

4. Page 10, line 26.

**Following:** the first "contracts"

**Insert:** "executed before May 2, 1997"

5. Page 13, line 8.

**Strike:** "(i)"

6. Page 13, line 10 through line 11.

**Strike:** subsection (ii) in its entirety

7. Page 13, line 13.

**Strike:** "100"

**Insert:** "50"

8. Page 13, line 15.

**Strike:** "A"

**Insert:** "(a) Subject to subsection (2)(b), a"

9. Page 13, line 16.

**Strike:** "100"

**Insert:** "50"

10. Page 13, line 17.

**Strike:** "must" through "to"

**Insert:** "may"

**Following:** line 17

**Insert:** "(b) The total average monthly billing demand for all customers that choose an electricity supplier pursuant to subsection (2)(a) may not exceed 20,000 kilowatts in a calendar year."

11. Page 13, line 18.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(3)(b)"

**Insert:** " through (3)(e)"

12. Page 13, line 21.

**Following:** "(3)(a)"

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**Strike:** "may"

**Insert:** "that is receiving its electricity supply from the competitive marketplace may make a one-time election to"

**Strike:** "negotiated"

**Insert:** "permanent"

13. Page 13, line 23.

**Following:** "(4)."

**Insert:** "This election must be submitted to the commission in writing no later than 90 days after [the effective date of this act]."

14. Page 13, line 25.

**Strike:** "shall"

**Insert:** "may"

15. Page 13, line 26.

**Following:** "service."

**Insert:** "The new customer's election of an electricity supplier must be submitted in writing to the commission at least 90 days before delivery of electricity."

16. Page 13.

**Following:** line 27

**Insert:** "(d) A customer referred to in subsection (3)(a) that was receiving electricity from the default supplier on [the effective date of this act] may continue to receive electricity from the default supplier.

(e) A customer referred to in subsection (3)(a) that is a public agency, as defined in 18-1-101, may enter into a power supply contract with the default supplier for default supply service for all or part of the public agency's load. These contracts must include the applicable provisions established by the commission pursuant to subsection (4)."

17. Page 13, line 28 through line 29.

**Strike:** "referred" on line 28 through "(3)" on line 29

18. Page 13, line 30.

**Following:** "service"

**Insert:** "in accordance with subsections (1) through (3)"

**Strike:** "reasonable"

19. Page 14, line 3.

**Following:** "customers."

**Insert:** "The total average monthly demand for all customers referred to in subsection (1)(a) that receive service from an electricity supplier that is not the default supplier may not exceed 10,000 kilowatts in a calendar year."

20. Page 16, line 22.

**Following:** "37"

**Strike:** "." through "conduct"

**Insert:** ", and commission rules and orders"

21. Page 17, line 10 through line 17.

**Strike:** section 14 in its entirety

**Renumber:** subsequent sections

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22. Page 19, line 12.

**Following:** "liabilities and"

**Insert:** "other"

**Strike:** "costs"

**Insert:** "obligations"

23. Page 19, line 21.

**Strike:** "existing"

24. Page 19, line 22.

**Following:** "(2)(c)"

**Insert:** "that were allowed in rates before May 2, 1997,"

25. Page 25, line 29.

**Following:** ~~"these"~~

**Insert:** "To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives."

26. Page 31, line 10.

**Following:** "transmission"

**Insert:** "and transmission"

27. Page 31, line 11.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

28. Page 31, line 13.

**Strike:** "competitive"

And, as amended, do pass. Report adopted.

**HB 561**, do pass. Report adopted.

**HB 608**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "THAT"

**Insert:** "DIRECTLY"

2. Page 2, line 3.

**Following:** "have"

**Insert:** "direct"

3. Page 2, line 7.

**Following:** "process"

**Strike:** "and"

**Insert:** "of"

4. Page 2, line 11.

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**Following:** "sovereignty"

**Strike:** "and" through "rights"

5. Page 2, line 18.

**Following:** "officials"

**Insert:** ", including chiefs and tribal presiding officers,"

6. Page 2, line 19.

**Following:** the first "that"

**Insert:** "directly"

7. Page 3, line 2.

**Following:** "that"

**Insert:** "directly"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/20/2003

**HB 482**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "FOR"

**Insert:** "THE OTHER PARTY'S"

2. Page 1, line 17.

**Strike:** "not"

3. Page 1, line 18.

**Following:** "of the"

**Insert:** "other"

**Following:** "or the"

**Insert:** "other"

4. Page 1, line 24.

**Following:** "of"

**Insert:** "a third party or of"

**Following:** the second "the"

**Insert:** "indemnifying"

**Following:** "or the"

**Insert:** "indemnifying"

And, as amended, do pass. Report adopted.

**HB 540**, introduced bill, be amended as follows:

1. Page 4, line 24.

**Insert:** "(7) If the clerk of court is satisfied that a person whose name is drawn is deceased, mentally incompetent, or has permanently moved from the county, the person's name must be omitted from the jury list. The reason for the omission must be entered in the minutes of the court."

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2. Page 5, line 11.

**Strike:** "2004"

**Insert:** "2005"

3. Page 5, line 15.

**Strike:** "2005"

**Insert:** "2006"

And, as amended, do pass. Report adopted.

**HB 571**, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 12.

**Strike:** "CLARIFYING" on line 10 through "COMMERCE;" on line 12

2. Title, page 1, line 18 through line 20.

**Strike:** "PROVIDING" on line 18 through "ASSOCIATION;" on line 20

3. Title, page 1, line 23.

**Strike:** "30-14-103,"

4. Title, page 1, line 24.

**Strike:** "30-14-1412,"

5. Page 2, line 18 through line 26.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

6. Page 9, line 15 through page 10, line 5.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 615**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/20/2003

**HB 563**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "ADMINISTRATOR"

**Insert:** ", WITH CERTAIN EXCEPTIONS"

2. Page 1, line 16.

**Following:** "administrator."

**Strike:** "A"

**Insert:** "With the exception of an immediate family member, as defined in 15-30-602, or a guardian, a"

And, as amended, do pass. Report adopted.



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**HB 689**, introduced bill, be amended as follows:

1. Page 3, lines 5 through 7.

**Following:** the first "who" on line 5

**Strike:** remainder of line 5 through line 6 in its entirety

**Insert:** "receives"

**Following:** "payment" on line 7

**Strike:** "to influence legislation or official action"

**Insert:** "that"

2. Page 3, line 8.

**Following:** "4"

**Strike:** remainder of line 8 through "expenses"

3. Page 3, line 13.

**Following:** "legislation or"

**Insert:** "official"

**Strike:** "an elected local official or"

**Insert:** "a"

4. Page 3, line 15.

**Following:** "for"

**Insert:** "lobbying"

5. Page 6, lines 1 and 2.

**Following:** "(iii)" on line 1

**Strike:** remainder of line 1 through "4" on line 2

6. Page 6, lines 7 and 8.

**Following:** "legislator" on line 7

**Strike:** remainder of line 7 through "federal official," on line 8

7. Page 6, lines 9 and 10.

**Following:** "legislator" on line 9

**Strike:** remainder of line 9 through "federal official," on line 10

8. Page 6, line 24.

**Strike:** ", as provided in 15-30-101."

**Insert:** "adopted by the commissioner by rule. The rule must be written to reflect the change in the consumer price index from the prior year to the year in which general elections are held."

9. Page 7, line 14.

**Following:** "occurrences"

**Insert:** "concerning filing or reporting"

**Following:** "."

**Insert:** "This section may not be construed to require a refund of any fee paid on or after September 1, 2002."

And, as amended, do pass and be placed on the consent calendar. Report adopted.

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**MOTIONS**

Representative R. Brown moved **HB 705** be taken from the Committee on Taxation and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 701** be taken from the Committee on State Administration and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 716** be taken from the Committee on State Administration and be rereferred to the Committee on Taxation. There being no objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Friday, February 21, 2003. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 21, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gibson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gillan, Hurwitz, and Jent, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/21/2003  
Correctly printed: **HB 382, HB 556, HB 557, HB 561, HB 585, HB 591, HB 615, HB 635, HB 639, HB 647.**  
Correctly engrossed: **HB 74, HB 189, HB 302, HB 327, HB 370, HB 481, HB 482, HB 484, HB 493, HB 509, HB 527, HB 531, HB 540, HB 563, HB 569, HB 571, HB 572, HB 573, HB 608, HB 619, HB 636, HB 689.**  
Correctly enrolled: **HB 22, HB 51, HB 80, HB 112, HB 121, HB 151, HB 406, HJR 6.**  
Examined by the sponsor and found to be correct: **HB 22, HB 51, HB 80, HB 112, HB 121, HB 151, HB 406, HJR 6.**  
Signed by the Speaker at 12:15 p.m., February 21, 2003: **HB 22, HB 51, HB 80, HB 112, HB 121, HB 151, HB 406, HJR 6.**

**AGRICULTURE** (Rice, Chairman): 2/21/2003  
**HB 644**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 653**, introduced bill, be amended as follows:

1. Page 1, line 3.  
**Insert:** "By request of the House Agriculture Standing Committee"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 2/21/2003  
**HB 357**, introduced bill, be amended as follows:

1. Title, line 5.  
**Following:** "PROGRAM;"  
**Strike:** "AND"
2. Title, line 8.  
**Following:** "LOANS"  
**Insert:** "; AND REQUIRING THE OFFICER TO CONTRACT WITH A HISTORICAL ARCHITECT"
3. Page 1, line 12.  
**Following:** "courthouses."  
**Insert:** "(1)"
4. Page 1, line 16.  
**Strike:** "(1)"  
**Insert:** "(a)"

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5. Page 1, line 18.

**Strike:** "(2)"

**Insert:** "(b)"

6. Page 1, line 19.

**Strike:** "(3)"

**Insert:** "(c)"

7. Page 1, line 20.

**Strike:** "(4)"

**Insert:** "(d)"

8. Page 1.

**Following:** line 21

**Insert:** "(2) The historic preservation officer shall contract with a historical architect to assist counties in restoring and rehabilitating county courthouses. The contract may not exceed \$72,000."

And, as amended, do pass. Report adopted.

**HB 441**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 15-16-102 AND"

2. Page 1.

**Following:** line 8

**Insert:** "**Section 1.** Section 15-16-102, MCA, is amended to read:

**"15-16-102. Time for payment -- penalty for delinquency.** Unless suspended or canceled under the provisions of Title 15, chapter 24, part 17, all taxes levied and assessed in the state of Montana, except assessments made for special improvements in cities and towns payable under 15-16-103, are payable as follows:

(1) One-half of the taxes are payable on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and one-half are payable on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of the taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, the amount payable is delinquent and draws interest at the rate of 5/6 of 1% a month from and after the delinquency until paid and 2% must be added to the delinquent taxes as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year are delinquent and draw interest at the rate of 5/6 of 1% a month from and after the delinquency until paid, and 2% must be added to the delinquent taxes as a penalty.

(4) (a) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without penalty or interest on or before 5 p.m. of the next business day in accordance with 1-1-307.

(b) If taxes on property qualifying under the low-income property tax assistance provisions of 15-6-134(1)(c) and 15-6-191 are paid within 20 calendar days of the date on which the taxes are due, the taxes may be paid without penalty or interest. If a tax payment is made later than 20 days after the taxes were due, the penalty must be paid and interest accrues from the date on which the taxes were due.

(5) A taxpayer may pay current year taxes without paying delinquent taxes. The county treasurer shall accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full taxable years, provided that taxes for both halves of the current tax year have been paid. Payment of taxes for delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of taxes for the current tax year is not a redemption of

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the property tax lien for any delinquent tax year.

(6) The penalty and interest on delinquent assessment payments for specific parcels of land may be waived by resolution of the city council. A copy of the resolution must be certified to the county treasurer.

(7) If the department revises an assessment that results in an additional tax of \$5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.

(8) The county treasurer may accept a partial payment of centrally assessed property taxes as provided in 76-3-207."

**Renumber:** subsequent section

3. Page 2, line 7.

**Following:** "(b)"

**Insert:** "(i)"

4. Page 2.

**Following:** line 9

**Insert:** "(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due."

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 512**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "AFFECTED" through "CHANGE"

**Insert:** "TO BE ADDED TO THE PLANNING AND ZONING DISTRICT"

2. Page 1, line 11.

**Strike:** "affected" through "change"

**Insert:** "to be added to a planning and zoning district"

3. Page 1, line 13.

**Following:** "district."

**Insert:** "The area to be added must be adjacent to the planning and zoning district."

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 583**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/20/2003

**SB 183**, introduced by Bohlinger

**SB 235**, introduced by Bohlinger

**SB 243**, introduced by Wheat

**SB 247**, introduced by Cobb

**SB 344**, introduced by Laible

**SB 383**, introduced by Bales

**SB 398**, introduced by Cromley

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 722**, introduced by E. Clark, Cobb, referred to Appropriations.

**HB 723**, introduced by Musgrove, Brueggeman, Buzzas, Franklin, Hedges, Kasten, Lindeen, Pattison, Ripley, Sinrud, Witt, referred to Agriculture.

**HB 724**, introduced by Balyeat, Fuchs, referred to Appropriations.

**HB 725**, introduced by Maedje, Barrett, Curtiss, Everett, Lange, A. Olson, Pattison, Ripley, Rome, Sinrud, referred to Natural Resources.

**HB 726**, introduced by Kaufmann, referred to Human Services.

**HB 727**, introduced by E. Clark, Cobb, Keenan, Stonington, referred to Appropriations.

**HB 728**, introduced by Stoker, referred to Local Government.

**HB 729**, introduced by Laszloffy, Grimes, McGee, referred to Human Services.

**HB 730**, introduced by Pattison, Balyeat, Brueggeman, Everett, Lange, Laszloffy, Lewis, Maedje, Mendenhall, Schrumpf, Sinrud, Stoker, Waitschies, referred to Judiciary.

**HB 731**, introduced by Lehman, referred to State Administration.

**HB 732**, introduced by Weiss, Cyr, Gallik, Keane, Lindeen, Newman, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 34**, introduced by Balyeat, Andersen, R. Brown, Brueggeman, Curtiss, Devlin, Forrester, Fuchs, Gebhardt, Jackson, Keenan, Lake, Lewis, McGee, Mood, Perry, Ripley, Sales, Sinrud, Sprague, Stoker, F. Thomas, Tropila, Waitschies, Witt, Younkin, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Waitschies in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 358** - Representative Lange moved **HB 358** do pass.

Representative Lange moved **HB 358**, second reading copy, be amended as follows:

1. Page 3, line 5.

**Following:** "reimbursement"

**Insert:** "by the city in which the judge holds or will hold court"

2. Page 7, line 14.

**Strike:** ", upon finding compliance with 3-10-204(3),"

3. Page 7, line 25.

**Following:** "reimbursement"

**Insert:** "by the county in which the justice of the peace holds or will hold court"

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Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Ballantyne, Cyr, Franklin, Galvin-Halcro, Kaufmann, Keane, Musgrove, Newman, Raser, Small-Eastman, Wanzenried.

Total 11

Excused: Gillan, Hurwitz, Jent.

Total 3

Absent or not voting: Ryan.

Total 1

Motion that **HB 358**, as amended, do pass carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jayne, Jent, Juneau, Kasten, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 77

Noes: Andersen, Ballantyne, Bookout-Reinicke, Brueggeman, Cohenour, Cyr, Gallik, Golie, Jacobson, Kaufmann, Keane, Lambert, Lewis, Newman, Rice, Ryan, Small-Eastman, Smith, Wanzenried, Mr. Speaker.

Total 20

Voted Absentee: Gillan, Jent, Ayes.

Excused: Hurwitz.

Total 1

Absent or not voting: Everett, Fisher.

Total 2

Representative Hurwitz present at this time.

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**HB 503** - Representative Balyeat moved **HB 503** do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gutsche, Harris, Jackson, Kasten, Kaufmann, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, Pattison, Peterson, Rice, Sales, Schrumpf, Shockley, Sinrud, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 38

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Musgrove, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 61

Voted Absentee: Gillan, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 537** - Representative Lawson moved **HB 537** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Buzzas, Cohenour, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Kaufmann, Malcolm, Weiss.

Total 12

Voted Absentee: Jent, Aye; Gillan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**SB 164** - Representative Facey moved **SB 164** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Franklin.

Total 1

Voted Absentee: Gillan, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 367** - Representative Windy Boy moved **HB 367** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 65

Noes: Andersen, Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, A. Olson, Rice, Ripley, Rome, Ross, Schruppf, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 35

Voted Absentee: Gillan, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 388** - Representative Lake moved **HB 388** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Forrester, Franklin.

Total 3

Voted Absentee: Jent, Aye.

Excused: Gillan.

Total 1

Absent or not voting: None.

Total 0

**HB 499** - Representative Franklin moved **HB 499** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Hawk, A. Olson, Rice.

Total 3

Voted Absentee: Gillan, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 505** - Representative Gallus moved **HB 505** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Devlin, Fisher, Gallik, Haines, Hawk, Jent, Lake, Lambert, Mendenhall, Morgan.

Total 10

Voted Absentee: Gillan, Aye; Jent, No.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Waitschies moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Cohenour, Gallik, Golie, Jacobson, Kaufmann, Lindeen, Weiss.

Total 7

Excused: Gillan, Jent.

Total 2

Absent or not voting: Bookout-Reinicke, Buzzas, Hedges.

Total 3

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 190** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 40

Excused: Gillan, Jent.

Total 2

Absent or not voting: P. Clark, Ryan.

Total 2

**HB 536** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Gillan, Jent.

Total 2

Absent or not voting: None.

Total 0

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**MOTIONS**

Representative R. Brown moved **HB 367** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HB 556, HB 591, HJR 19.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, February 22, 2003. Motion carried.

House adjourned at 2:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 22, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Melissa Mendenhall and guitar accompaniment by Page Blake Mendenhall.  
Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Branae, Buzzas, Callahan, Fritz, Gillan, and Jent, excused.  
Quorum present.

Mr. Speaker introduced the honorary pages for the day:

Sarah Laszloffy, Laurel  
Blake Mendenhall, Montana City  
Melissa Mendenhall, Montana City  
Kyndall Miller, Laurel

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/21/2003  
Correctly printed: **HB 529, HB 583, HB 609, HB 631, HB 644, HB 693.**  
Correctly enrolled: **HB 357, HB 441, HB 512, HB 653.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/21/2003  
**HB 631**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 640**, do pass. Report adopted.  
**HB 648**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "180"

**Insert:** "120"

2. Title, line 10.

**Strike:** "PROPERTY"

**Insert:** "EMBRYOS OR SEMEN"

3. Page 1, line 16.

**Strike:** "genetic material"

**Insert:** "embryos or semen"

4. Page 1, line 26 through line 27.

**Following:** "storing" on line 26

**Strike:** "genetic material"

**Insert:** "embryos or semen"

5. Page 1, line 28.

**Following:** "entrusted"

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**Insert:** "and who still has possession"

6. Page 1, line 29.

**Following:** "storing the"

**Strike:** "genetic material,"

**Following:** "embryos"

**Strike:** " ; "

7. Page 1, line 29 through line 30.

**Strike:** "genetic material,"

8. Page 1, line 30.

**Following:** "embryos"

**Strike:** " ; "

9. Page 2, line 27.

**Following:** "on the"

**Strike:** "property"

**Insert:** "embryos or semen"

**Strike:** "180"

**Insert:** "120"

**Following:** "receiving the"

**Strike:** "property"

**Insert:** "embryos or semen"

10. Page 2, line 28.

**Strike:** "property"

**Insert:** "embryos or semen"

11. Page 2, line 29.

**Strike:** "property"

**Insert:** "embryos or semen"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/21/2003

**HB 127**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "PRACTICES"

**Strike:** ", TELEMARKETING" through "WARRANTY"

2. Title, page 1, line 11 through line 14.

**Strike:** "REMOVING" on line 11 through "ACTIONS;" on line 14

3. Title, page 1, line 16 through line 19.

**Strike:** "REVISING" on line 16 through "PRODUCTS;" on line 19

**Insert:** "MANDATING THAT THE DEPARTMENT HOLD A HEARING TO DECIDE IF A COST SURVEY SHOULD BE PERFORMED;"

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4. Title, page 2, line 1.

**Strike:** "CLARIFYING" through "RUN;"

5. Title, page 2, line 7, through page 2, line 12.

**Strike:** "CLARIFYING" on page 2, line 7 through "VEHICLE";" on page 2, line 12

6. Title, page 2, line 13, through page 2, line 15.

**Strike:** "PROVIDING" on page 2, line 13 through "PANEL;" on page 2, line 15

7. Title, page 2, line 16 and 17.

**Strike:** "30-14-202, 30-14-213,"

**Insert:** "30-14-211,"

8. Title, page 2, line 17.

**Following:** "30-14-503,"

**Insert:** "AND"

9. Title, page 2, line 18, through page 2, line 19.

**Strike:** "30-14-504," on line 18

**Strike:** "30-14-1406" on line 18 through "61-4-519," on line 19

10. Title, page 2, line 19, through page 2, line 20.

**Strike:** "SECTIONS" on page 2, line 19 through "AND" on page 2, line 20

**Insert:** "SECTION"

11. Page 4, line 10.

**Following:** "bond"

**Insert:** ", and an injunction must be issued without bond"

12. Page 4, line 13.

**Strike:** "(a)"

13. Page 4, line 18.

**Strike:** "(b)"

**Insert:** "(2)"

14. Page 4, line 20 through line 21.

**Strike:** subsection (2) in its entirety

15. Page 4, line 24.

**Strike:** "-- mandatory treble damages"

16. Page 6, line 1 through page 7, line 24.

**Strike:** sections 7 and 8 in their entirety

**Renumber:** subsequent sections

**Insert:** "**Section 7.** Section 30-14-211, MCA, is amended to read:

**"30-14-211. Establishing cost survey.** (1) The department shall, whenever application has been made by 10 or more persons within a particular trade or business, ~~establish the cost survey provided for in 30-14-210. When petition for a cost survey has been so presented to the department, the department shall,~~ as soon as possible, fix a time for a public



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hearing upon the question of whether the cost survey should be established and, if so, upon the matter of establishing ~~such~~ the cost survey. The hearing ~~shall~~ must be held at the office of the department and upon ~~that~~ notice ~~which~~ that the department may require by rule. However, notice of the hearing ~~shall~~ must be published for at least 2 successive weeks in the daily newspaper or newspapers ~~as designated by~~ the department ~~may designate~~ as the most commonly circulated in the counties ~~to be~~ affected by the cost survey. The notice ~~shall~~ must further state the locality or area in respect to which the cost survey is proposed to be established and the particular trade or business to be affected by it.

(2) At the time fixed in the notice any person may appear and be heard by the department upon all questions to be determined by ~~it~~ the department as provided in this section. If the department determines that a cost survey should be established, it shall at the same hearing proceed to classify and define the particular trade or business, or parts ~~thereof~~ of a particular trade or business, to be affected, determine ~~and delimit~~ the particular area within which the trade or business will be affected, and find and determine the probable cost of doing business or overhead expense, stated in percentage of invoice or replacement cost ~~which~~ that would probably be incurred by the most efficient person in the trade or business within the area.

(3) If the department determines that the probable cost of doing business or overhead expense stated in percentage of invoice or replacement cost ~~which~~ that would probably be incurred by the most efficient person in the trade or business is the same for the entire state, then the department may, upon proper notice given as provided in this section, create one trade area embracing the entire state.

(4) The percentage so determined ~~shall~~ must be presumed to be the actual cost of doing business and overhead expense of any person in the trade or business and within the area affected by the cost survey."

**Renumber:** subsequent sections

17. Page 7, line 28.

**Strike:** "30-14-209" through "30-14-213"

**Insert:** "30-14-214"

18. Page 9, line 13.

**Strike:** "might"

**Insert:** "will"

19. Page 9, line 15.

**Strike:** "30-14-209, 30-14-213,"

**Insert:** "30-14-214"

20. Page 9, line 17.

**Strike:** "through" through "30-14-213,"

**Insert:** "30-14-214"

21. Page 9, line 27.

**Strike:** "30-14-209, 30-14-213,"

**Insert:** "30-14-214,"

22. Page 9, line 28 through line 30.

**Strike:** "(a)" on line 28 through "(b)" on line 30

23. Page 10, line 5.

**Strike:** "through" through "30-14-213,"

**Insert:** "30-14-214"

24. Page 10, line 10.

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**Strike:** "through" through "30-14-213,"  
**Insert:** "30-14-214"

25. Page 10, line 16.

**Strike:** "intentionally"

**Insert:** "purposely or knowingly"

26. Page 10, line 17.

**Strike:** "30-14-209, 30-14-213,"

**Insert:** "30-14-214"

27. Page 10, line 18 through line 19.

**Strike:** "less" on line 18 through "\$1,000 or" on line 19

28. Page 10, line 19.

**Strike:** "and shall be"

**Insert:** "or"

29. Page 10, line 20.

**Following:** "both"

**Insert:** ", or both"

30. Page 12, line 6 through line 7.

**Strike:** "is" on line 6 through "30-14-103" on line 7

**Insert:** "may be punished by a civil fine of not more than \$1,000 for each violation"

31. Page 12, line 9 through line 25.

**Strike:** section 17 in its entirety

**Renumber:** subsequent sections

32. Page 13, line 9.

**Strike:** "\$1,000"

**Insert:** "\$500"

33. Page 18, line 28 through page 22, line 18.

**Strike:** sections 19 through 25 in their entirety

**Renumber:** subsequent sections

34. Page 22, line 20.

**Strike:** "Sections" through "AND"

**Insert:** "Section"

35. Page 22, line 21.

**Strike:** "are"

**Insert:** "is"

And, as amended, do pass. Report adopted.

**HB 460**, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

**Strike:** "UNBORN CHILD"

**Insert:** "FETUS"

2. Title, page 1, line 7 through line 12.

**Strike:** "REQUIRING" on line 7 through "PROCEEDINGS;" on line 12

3. Page 1, lines 17 and 20.

Page 7, lines 10 and 12.

**Strike:** "11"

**Insert:** "3"

4. Page 1, line 18.

**Strike:** "Unborn Child"

**Insert:** "Fetus"

5. Page 1, line 22.

**Following:** line 21

**Insert:** "(1) "Fetus" means a member of the species homo sapiens from fertilization until birth."

**Renumber:** subsequent subsections

6. Page 1, line 25.

**Strike:** "unborn child"

**Insert:** "fetus"

7. Page 1, line 27.

**Strike:** subsection (4) in its entirety

8. Page 1, line 29 through page 2, line 15.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

9. Page 2, line 17.

**Strike:** "Unborn child"

**Insert:** "Fetus"

10. Page 2, line 18.

**Strike:** "an unborn child"

**Insert:** "a fetus"

11. Page 2, line 20.

**Strike:** "unborn child"

**Insert:** "fetus"

12. Page 2, line 23.

**Following:** "analgesic."

**Insert:** "The report required by 50-20-110 must contain the physician's statement that the physician informed the woman as required by this section and whether or not the woman chose to have the anesthetic or analgesic

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administered."

13. Page 2, line 25 through page 6, line 14.

**Strike:** sections 5 through 11 in their entirety

**Renumber:** subsequent sections

14. Page 6, line 23.

**Strike:** "4"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**HB 506**, do pass. Report adopted.

**HB 529**, do pass. Report adopted.

**HB 660**, do pass. Report adopted.

**HB 693**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/21/2003

**HB 431**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

**Strike:** "REMOVING" on line 4 through ";" on line 6

2. Title, page 1, line 7 through line 8.

**Strike:** ", AND" on line 7 through "1999" on line 8

3. Page 1, line 30 through page 2, line 1.

**Strike:** "Prior" on page 1, line 30 through "price." on page 2, line 1

**Insert:** "A local government that sold or transferred property to the state shall have the right of first refusal if the state subsequently offers the property for sale. For purposes of this subsection, "right of first refusal" means the right to have the first opportunity to purchase the property for not less than fair market value when the property becomes available or the right to meet any other offer."

4. Page 2, line 3 through page 4, line 10.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 468**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "INCLUDE"

**Insert:** "SPECIFIC INFORMATION AND"

2. Page 1, line 23.

**Following:** "a"

**Insert:** "reference to the particular vote or votes upon which the information is based and a"

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3. Page 1, line 28.

**Following:** "communication"

**Insert:** "or the person's legal agent"

4. Page 2, line 4.

**Strike:** "prior to"

**Insert:** "at the time of"

And, as amended, do pass. Report adopted.

**HB 609**, do pass. Report adopted.

**HB 621**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "IMMEDIATE"

2. Page 1, line 18.

**Following:** "effective"

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HJR 24**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/21/2003

**SB 295**, introduced by Butcher

**SB 400**, introduced by Toole

**Senate joint resolutions** passed and transmitted to the House for concurrence:

2/21/2003

**SJR 11**, introduced by Schmidt

**SJR 14**, introduced by Curtiss

**SJR 18**, introduced by Harrington

**House bills** concurred in and returned to the House:

2/21/2003

**HB 181**, introduced by B. Thomas

**HB 311**, introduced by Stoker

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 733**, introduced by Schrumpf, Brueggeman, Everett, Fuchs, Haines, Hedges, Lake, Morgan, Sinrud, referred to Judiciary.

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**HB 734**, introduced by Lawson, referred to State Administration.

**HB 735**, introduced by Fisher (by request of the House Joint Appropriations Subcommittee on Corrections and Public Safety), referred to Appropriations.

**HB 736**, introduced by R. Brown, Tester, F. Thomas, Wanzenried, referred to Appropriations.

**HB 737**, introduced by Gallik, Johnson, referred to Taxation.

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:12 a.m.

House reconvened at 8:34 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Forrester in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 42** - Representative Barrett moved **HB 42** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Parker, Raser, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Gillan, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90** - Representative E. Clark moved **HB 90** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Hawk, Jacobson, Jent, Lawson, Mendenhall, Morgan, Pattison, Shockley, Sinrud.

Total 9

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Gillan, Ayes; Jent, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gillan present at this time.

**HB 283** - Representative Fuchs moved **HB 283** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Windy Boy.

Total 28

Voted Absentee: Branae, Aye; Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 189** - Representative Pattison moved **HB 189** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Ross, Sales, Schrumpf, Shockley,

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Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 61

Noes: Ballantyne, Becker, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Newman, Parker, Rome, Ryan, Wanzenried, Weiss, Windy Boy.  
Total 38

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.  
Total 0

Absent or not voting: Ripley.  
Total 1

**HB 563** - Representative Laszloffy moved **HB 563** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Newman, Parker, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 42

Voted Absentee: Fritz, Jent, Ayes; Branae, Buzzas, Callahan, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 578** - Representative Shockley moved **HB 578** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,



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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Jayne.  
Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 618** - Representative Dickenson moved **HB 618** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 75

Noes: Balyeat, Bitney, E. Clark, Devlin, Everett, Forrester, Fuchs, Gallus, Jayne, Kasten, Lambert, Laszloffy, Lewis, Maedje, Matthews, McKenney, Pattison, Peterson, Rice, Sales, Sinrud, Waitschies, Witt, Mr. Speaker.  
Total 24

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Becker.  
Total 1

**HB 298** - Representative Younkin moved **HB 298** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

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Noes: Balyeat, Everett, Fuchs, Golie, Kasten, Sales.  
Total 6

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 327** - Representative Harris moved **HB 327** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 74

Noes: Andersen, Barrett, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lehman, Malcolm, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Steinbeisser, Waitschies, Witt, Younkin.  
Total 26

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 639** - Representative Laslovich moved **HB 639** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Bixby, R. Brown, Everett, Fuchs, Gutsche, Hawk, Jayne, Juneau, Lambert, Lange, Laszloffy, Lehman, Maedje, Mendenhall, Morgan, B. Olson, Rice, Sales, Sinrud, Witt.  
Total 22

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 370** - Representative R. Brown moved consideration of **HB 370** be passed for the day. Motion carried.

**HB 382** - Representative Windy Boy moved **HB 382** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lewis, Lindeen, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 417** - Representative Golie moved **HB 417** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 90

Noes: Bookout-Reinicke, Hawk, Jent, Laszloffy, Malcolm, Mendenhall, Rice, Schrumpf, Witt, Mr. Speaker.

Total 10

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Ayes; Jent, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 419** - Representative Laszloffy moved **HB 419** do pass.

Representative Gallik moved **HB 419**, second reading copy, be amended as follows:

1. Page 2, line 14.

**Following:** "(D)"

**Strike:** "THE PHRASE"

**Following:** "HIGHWAY"

**Insert:** ""

2. Page 2, line 14 through line 18.

**Following:** "HIGHWAY," on line 14

**Strike:** remainder of line 14 through "LOCATED" on line 18

**Insert:** "has the meaning provided in 61-1-202"

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Cohenour, Cyr, Dickenson, Dowell, Gallik, Golie, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Musgrove, Small-Eastman, Windy Boy.

Total 16

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Gibson.

Total 1

Motion that **HB 419** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Callahan, Gallik, Golie, Jent, Weiss.  
Total 5

Voted Absentee: Branae, Buzzas, Fritz, Ayes; Callahan, Jent, Noes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Lake.  
Total 2

**HB 426** - Representative Morgan moved **HB 426** do pass.

Representative Morgan moved **HB 426**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "EXEMPTIONS;"

**Insert:** "PROVIDING FOR BIDDING AND ELECTIONS FOR CERTAIN FACILITIES OR SERVICES;"

2. Page 1, lines 17 and 18.

**Following:** "BUSINESS" on line 17

**Strike:** remainder of line 17 through "BENEFITS" on line 18

**Insert:** "using full cost accounting"

3. Page 1, line 21.

**Following:** "COUNTY."

**Insert:** "At the public hearing, private sector businesses must be allowed to submit information concerning the ability of the businesses to provide the facility or service at a lesser cost than included in the plan. If information is submitted alleging the ability to provide the facility or service at a lesser cost, then the county shall solicit competitive bids for providing the facility or service. If a responsive and responsible bidder submits a bid that is less than the cost provided in the plan, then the county shall award the contract for the facility or service to the lowest bidder. If the lowest responsive and responsible bid is more than the cost contained in the plan, then the county may provide the facility or service."

4. Page 1, line 25.

**Following:** "7-1-2121."

**Insert:** "After the hearing, the county commissioners may submit the plan to the electors of the county. If approved by the electors, the county may implement the plan."

5. Page 1, line 28.

**Insert:** "(4) (a) As used in this section, "full cost accounting" means a systematic approach for identifying, aggregating, and reporting the actual cost of the facilities or services by accounting for all monetary resources committed to

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the facility or service.

(b) The full cost accounting must include the following direct costs:

- (i) employee wages, benefits, and pensions;
- (ii) supplies and materials;
- (iii) travel;
- (iv) printing;
- (v) rent;
- (vi) utilities; and
- (vii) interest on capital items.

(c) The full cost accounting must include the following indirect costs:

- (i) accounting and payroll;
- (ii) human resources;
- (iii) legal;
- (iv) purchasing and procurement;
- (v) data processing;
- (vi) records management; and
- (vii) executive oversight."

6. Page 2, lines 5 and 6.

**Following:** "BUSINESS" on line 5

**Strike:** remainder of line 5 through "BENEFITS" on line 6

**Insert:** "using full cost accounting"

7. Page 2, line 10.

**Following:** "MUNICIPALITY."

**Insert:** "At the public hearing, private sector businesses must be allowed to submit information concerning the ability of the businesses to provide the facility or service at a lesser cost than included in the plan. If information is submitted alleging the ability to provide the facility or service at a lesser cost, then the municipality shall solicit competitive bids for providing the facility or service. If a responsive and responsible bidder submits a bid that is less than the cost provided in the plan, then the municipality shall award the contract for the facility or service to the lowest bidder. If the lowest responsive and responsible bid is more than the cost contained in the plan, then the municipality may provide the facility or service."

8. Page 2, line 15.

**Following:** "7-1-4127."

**Insert:** "After the hearing, the governing body of the municipality may submit the plan to the electors of the municipality. If approved by the electors, the municipality may implement the plan."

9. Page 2, line 18.

**Insert:** "(4) (a) As used in this section, "full cost accounting" means a systematic approach for identifying, aggregating, and reporting the actual cost of the facilities or services by accounting for all monetary resources committed to the facility or service.

(b) The full cost accounting must include the following direct costs:

- (i) employee wages, benefits, and pensions;
- (ii) supplies and materials;
- (iii) travel;
- (iv) printing;
- (v) rent;
- (vi) utilities; and

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- (vii) interest on capital items.
- (c) The full cost accounting must include the following indirect costs:
  - (i) accounting and payroll;
  - (ii) human resources;
  - (iii) legal;
  - (iv) purchasing and procurement;
  - (v) data processing;
  - (vi) records management; and
  - (vii) executive oversight."

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Forrester, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laslovich, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Younkin.

Total 40

Noes: Ballantyne, Bergren, Bixby, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lambert, Lawson, Lenhart, Lewis, Lindeen, Musgrove, Newman, B. Olson, Parker, Peterson, Raser, Roberts, Ryan, Sales, Shockley, Small-Eastman, Smith, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 54

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Mr. Speaker.

Total 1

Motion that **HB 426** do pass **failed** as follows:

Ayes: Balyeat, Bitney, R. Brown, Brueggeman, Devlin, Forrester, Fuchs, Hawk, Hurwitz, Lake, Lange, Lehman, McKenney, Rice, Roberts, Sales, Sinrud, Thomas, Windy Boy, Younkin, Mr. Speaker.

Total 21

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.

Total 79

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 579** - Representative Shockley moved **HB 579** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 484** - Representative R. Brown moved **HB 484** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Sinrud.

Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.



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Total 0

**HB 493** - Representative Dowell moved consideration of **HB 493** be passed for the day. Motion carried.

**HB 520** - Representative Erickson moved **HB 520** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, E. Clark, Everett, Fisher, Fuchs, Hawk, Kasten, McKenney, Mendenhall, Pattison, Rice, Sales, Steinbeisser, Stoker, Waitschies.

Total 16

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Laszloffy.

Total 2

**HB 527** - Representative Mendenhall moved **HB 527** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

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**HB 531** - Representative Hurwitz moved **HB 531** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: P. Clark, Cohenour, Erickson, Gibson, Gutsche, Harris, Jent, Kaufmann, Weiss, Windy Boy.  
Total 10

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Ayes; Jent, No.

Excused: None.  
Total 0

Absent or not voting: Balyeat, Bookout-Reinicke.  
Total 2

**HB 538** - Representative Rome moved **HB 538** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, R. Brown, P. Clark, Everett, Fuchs, Gallus, Gillan, Golie, Hawk, Jayne, Laszloffy, Mendenhall, Sales, Shockley, Wagman.  
Total 15

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 544** - Representative Haines moved **HB 544** do pass. Motion **failed** as follows:

Ayes: Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, McKenney,

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Morgan, B. Olson, Pattison, Peterson, Rice, Roberts, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 41

Noes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 58

Voted Absentee: Buzzas, Aye; Branae, Callahan, Fritz, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 557** - Representative Andersen moved **HB 557** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: D. Brown, Jayne.

Total 2

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 561** - Representative Bitney moved **HB 561** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove,

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Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Gillan, Gutsche, Harris, Sales.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 222** - Representative Parker moved **HB 222** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Erickson, Maedje, Malcolm.

Total 3

**HB 619** - Representative Maedje moved **HB 619** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 94

Noes: Bitney, Lawson, Malcolm, McKenney, Sinrud.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**HB 572** - Representative Lewis moved **HB 572** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 573** - Representative Parker moved **HB 573** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

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Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 236** - Representative Erickson moved **HB 236** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Barrett, D. Brown, Franklin, Gillan, Laszloffy, B. Olson, Pattison, Roberts, Sales, Sinrud, Steinbeisser, Thomas.

Total 12

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Everett, Ripley, Waitschies, Wilson.

Total 5

**HB 465** - Representative R. Brown moved consideration of **HB 465** be passed for the day. Motion carried.

**HB 585** - Representative Franklin moved **HB 585** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Noennig.

Total 1

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 597** - Representative Wagman moved **HB 597** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt.

Total 75

Noes: Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Fuchs, Hawk, Jackson, Kasten, Laslovich, Laszloffy, Malcolm, McKenney, Pattison, Rome, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Windy Boy, Younkin, Mr. Speaker.

Total 25

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 608** - Representative Windy Boy moved **HB 608** do pass.

Representative Gallus assumed the chair.

Representative Windy Boy moved **HB 608**, second reading copy, be amended as follows:

1. Title, line 10 and line 11.

**Strike:** "AND" on line 10 through "RESERVATION" on line 11

2. Page 2, line 18 and line 19.

**Following:** "training" on line 18

**Strike:** "and" through "reservation" on line 19

**Insert:** "in Helena or a site mutually agreed upon"

3. Page 2, line 19.

**Following:** "and"

**Insert:** "key"

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4. Page 2, line 21.

**Following:** "convene"

**Insert:** "in Helena"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Forrester.

Total 1

Representative Forrester reassumed the chair.

Motion that **HB 608**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Devlin, Everett, Fisher, Hawk, Hedges, Lake, Malcolm, Peterson, Sales, Shockley, Sinrud, Witt.

Total 13

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 615** - Representative Franklin moved **HB 615** do pass.

Representative Brueggeman moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Fisher, Forrester, Fuchs, Gallik, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Dickenson, Everett, Facey, Franklin, Gallus, Galvin-Halcro, Gillan, Juneau, Kaufmann, Lindeen, Malcolm, Musgrove, Newman, Parker, Ryan, Thomas, Wanzenried, Wilson.

Total 19

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: E. Clark, Gibson, McKenney, Windy Boy.

Total 4

Motion that **HB 615** do pass carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 48

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 21** - Representative Morgan moved **HJR 21** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 569** - Representative Gutsche moved **HB 569** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lange, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 45

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 411** - Representative Gallus moved **HB 411** do pass.

Representative Barrett moved **HB 411**, second reading copy, be amended as follows:

1. Page 1, line 22.  
**Following:** "(4)"  
**Strike:** "A"

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2. Page 1, line 29 through page 2, line 1.

**Strike:** "(B)" on page 1, line 29 through "USE." on page 2, line 1

Amendment adopted as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Noes: Ballantyne, Balyeat, Bergren, Bixby, R. Brown, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Newman, Noennig, Parker, Raser, Rome, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Jacobson, Sales.

Total 2

Motion that **HB 411**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dowell, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Carney, P. Clark, Cyr, Dickenson, Erickson, Everett, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Kaufmann, Newman, Wanzenried, Weiss, Windy Boy.

Total 18

Voted Absentee: Branae, Buzzas, Callahan, Jent, Ayes; Fritz, No.

Excused: None.

Total 0

Absent or not voting: Jacobson, Raser.

Total 2

**HB 368** - Representative Devlin moved **HB 368** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Kasten, Musgrove, Pattison, Sinrud, Windy Boy.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Cyr, Sales.

Total 3

**HB 601** - Representative Ripley moved **HB 601** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jayne.

Total 2

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

**HB 144** - Representative Harris moved **HB 144** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Everett, Fuchs, Kasten, Mendenhall, Musgrove, Pattison, Sales, Sinrud, Waitschies.

Total 10

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 407** - Representative Gutsche moved **HB 407** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, McKenney, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 64

Noes: Andersen, Barrett, Bergren, E. Clark, Cohenour, Devlin, Erickson, Galvin-Halcro, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Keane, Lake, Lawson, Lenhart, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Smith, Steinbeisser, Waitschies, Witt.

Total 36

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Forrester moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fuchs, Gallik, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

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Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 74

Noes: Becker, Bixby, Carney, P. Clark, Cyr, Galvin-Halcro, Golie, Jayne, Juneau, Laslovich, Mendenhall, Ryan.  
Total 12

Excused: Branae, Buzzas, Callahan, Fritz, Jent.  
Total 5

Absent or not voting: Brueggeman, Everett, Fisher, Forrester, Gallus, Haines, Jacobson, Small-Eastman, Witt.  
Total 9

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 416**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: None.  
Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.  
Total 5

Absent or not voting: Galvin-Halcro, Jacobson, Malcolm.  
Total 3

**HB 559**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 93

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Jacobson.

Total 2

**HB 627**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Hawk, Jacobson.

Total 3

**HB 388** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Forrester, Shockley, Windy Boy.

Total 3

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

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Absent or not voting: Galvin-Halcro, Jacobson.  
Total 2

**HB 499** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 43

Excused: Branae, Buzzas, Callahan, Fritz, Jent.  
Total 5

Absent or not voting: Galvin-Halcro, Jacobson, Stoker.  
Total 3

**HB 505** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 85

Noes: Devlin, Gallik, Hawk, Lambert, Mendenhall, Morgan, Smith, Mr. Speaker.  
Total 8

Excused: Branae, Buzzas, Callahan, Fritz, Jent.  
Total 5

Absent or not voting: Galvin-Halcro, Jacobson.  
Total 2

**HB 537** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,



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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Erickson, Gutsche, Harris, Kaufmann, Pattison, Sinrud, Weiss.

Total 7

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Jacobson.

Total 2

**SB 164** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Shockley.

Total 1

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Jacobson.

Total 2

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/22/2003

**HB 479**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "PROHIBITING" on line 4

**Insert:** "REVISING THE LAWS THAT PROHIBIT"

**Following:** "CARRIERS" on line 4

**Strike:** "AND" on line 4 through "ENTITIES" on line 5

2. Title, line 6.

**Following:** "CONSENT;"

**Insert:** "CLARIFYING THAT ENTITIES NOT OTHERWISE REGULATED BY THE PUBLIC SERVICE

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COMMISSION ARE SUBJECT TO THE PROHIBITION; DEFINING TERMS;"

3. Title, line 7.

**Following:** "BILLS;"

**Insert:** "PROHIBITING INITIATION OF UNAUTHORIZED CHARGES TO BE PLACED ON TELEPHONE  
BILLS;"

4. Page 1, line 18.

**Strike:** "all other"

5. Page 2, line 1.

**Following:** "carrier"

**Insert:** "or who has been billed charges on a telephone bill for the services or products of another entity"

6. Page 2, line 8.

**Strike:** "A person"

**Insert:** "An entity"

7. Page 2, line 9.

**Strike:** "person"

**Insert:** "entity"

8. Page 3, line 17.

**Strike:** "Telecommunications"

**Insert:** "Unauthorized change in telecommunications"

**Following:** "carrier"

**Insert:** " -- "

9. Page 4, line 5.

**Strike:** "a person"

**Insert:** "an entity"

10. Page 4, line 9.

**Strike:** "person"

**Insert:** "entity"

11. Page 4, line 10.

**Strike:** "billing agent or"

**Strike:** "service provider"

**Insert:** "carrier or other entity"

12. Page 4.

**Following:** line 11

**Insert:** "(iii) prohibit a billing agent that bills directly for the carrier or other entity determined to have engaged in a  
pattern of violations from billing charges on behalf of that carrier or other entity;"

**Renumber:** subsequent subsections

13. Page 4, line 12.

**Strike:** "prohibit" through "provider"

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**Insert:** "revoke the registration of a service provider or billing aggregator"

14. Page 4, line 14.

**Strike:** "actions"

**Insert:** "prohibitions"

**Following:** "under" in two places

**Insert:** "this" in both places

**Following:** the first "(3)(b)"

**Strike:** "(ii)" through "(iii)"

15. Page 4, line 15.

**Following:** the first "(3)(b)"

**Strike:** "(ii)" through "(iii)"

16. Page 4.

**Following:** line 15

**Insert:** "(4) The commission shall provide adequate time for a billing agent that is prohibited from billing on behalf of a carrier or other entity under this section to terminate a contractual agreement with that carrier or other entity."

**Renumber:** subsequent subsection

17. Page 4, line 20.

**Strike:** "or place"

**Following:** "charges"

**Insert:** "to be placed"

18. Page 5, line 10.

**Strike:** "Telecommunications" through "on"

**Insert:** "Liability for unauthorized charges on telephone"

19. Page 5, line 12.

**Following:** "charges"

**Strike:** "or" through "charges"

20. Page 5, line 13.

**Following:** "authorized"

**Insert:** "or that a billing aggregator has caused unauthorized charges to be forwarded to a billing agent for placement on a telephone bill"

21. Page 5, line 16.

**Strike:** "any entity"

**Insert:** "a carrier or service provider"

**Following:** "initiated"

**Strike:** ", " through "caused"

22. Page 5, line 18.

**Following:** "authorized"

**Insert:** "or that a billing aggregator has caused unauthorized charges to be forwarded to a billing agent for placement

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on a telephone bill"

23. Page 5, line 20.

**Strike:** "person"

**Insert:** "carrier or service provider"

24. Page 5, line 21.

**Following:** "agent"

**Strike:** "or" through "charges"

**Insert:** "that bills directly"

25. Page 5, line 22.

**Following:** "violations"

**Strike:** ";

**Insert:** "from placing the service provider's unauthorized charges on a customer's telephone bill;

(c) prohibit a carrier or service provider determined to have engaged in a pattern of violations from initiating unauthorized charges to be placed on a customer's telephone bill;

(d) prohibit a billing aggregator from forwarding that entity's unauthorized charges to a billing agent;"

**ReNUMBER:** subsequent subsections

26. Page 5, line 23.

**Strike:** "prohibit" through "provider"

**Insert:** "revoke the registration of the service provider or billing aggregator"

27. Page 5, line 25.

**Strike:** "actions"

**Insert:** "prohibitions"

**Following:** "under"

**Insert:** "this"

**Following:** "subsection"

**Strike:** "(2)(b)" through "(c)"

**Insert:** "(2)"

**Following:** line 25

**Insert:** "this"

28. Page 5, line 26.

**Strike:** "(2)(b) or (2)(c)"

**Insert:** "(2)"

**Following:** line 26

**Insert:** "(3) The commission shall provide adequate time for a billing agent that is prohibited from billing on behalf of a service provider under this section to terminate contractual agreements with that service provider."

**ReNUMBER:** subsequent subsections

29. Page 5, line 29.

**Strike:** "An entity"

**Insert:** "A carrier or service provider"

**Strike:** "or places"

**Following:** "charges"

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**Insert:** "to be placed"

30. Page 5, line 30.

**Following:** "customer"

**Insert:** "or a billing aggregator that causes unauthorized charges to be forwarded to a billing agent for placement on a telephone bill"

31. Page 6, line 3.

**Strike:** "by solicitor"

32. Page 6, line 8.

**Following:** "commission may"

**Insert:** ": (a)"

**Following:** "carrier or"

**Insert:** "a"

**Following:** "agent"

**Insert:** "that bills directly for that entity"

**Following:** "entity"

**Insert:** ". The commission shall provide adequate time for the billing agent to terminate contractual agreements with the entity. This section does not preclude a carrier or billing agent from taking action on its own to terminate billing and collection services."

33. Page 6, line 9 through line 10.

**Strike:** the first "or"

**Insert:** "(b) prohibit"

**Strike:** "or billing agent" on line 9 through "services" on line 10

**Insert:** "from forwarding any charges from an entity operating in violation of this section to a carrier or billing agent for placement on a customer's telephone bill"

34. Page 6, line 11 through line 15.

**Strike:** "subsection (3)" in its entirety

**Renumber:** subsequent subsections

35. Page 6, line 16.

**Following:** "commission"

**Strike:** "staff"

**Following:** "information"

**Insert:** "related to an investigation of a possible violation of this section"

36. Page 6, line 17.

**Following:** "commission to"

**Insert:** ": (a)"

**Following:** "carrier"

**Insert:** ", billing aggregator,"

**Following:** "agent"

**Strike:** "providing" through "services"

**Insert:** "that bills directly for the entity"

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37. Page 6, line 18.

**Following:** "provider"

**Insert:** ";

**Following:** "or"

**Insert:** "(b) prohibit a"

**Following:** "aggregator"

**Insert:** "from forwarding charges to the billing agent to be placed on a customer's telephone bill"

38. Page 7, lines 1 and 2.

**Strike:** "knowingly" on line 1

**Insert:** "directly" on line 1

**Following:** "provider"

**Strike:** "who" on line 1 through "who" on line 2

**Insert:** "that is not the billing agent if the service provider"

**Following:** "registered" on line 2

**Insert:** ", if registration is required"

39. Page 7, line 16.

**Following:** "carriers"

**Insert:** "and registered billing aggregators"

**Following:** line 16

**Insert:** "NEW SECTION. Section 9. Submission of list of entities served by billing aggregator required."

Each billing aggregator doing business in Montana shall submit to the commission a list of service providers and other entities for which the billing aggregator provides billing services. The commission shall adopt rules that specify information that must be included with the list in order to enforce the provisions of this part. The list must include the name and address of a contact person for each entity."

**Renumber:** subsequent sections

40. Page 7, line 22.

**Strike:** "9"

**Insert:** "10"

41. Page 7, line 24.

**Strike:** "9"

**Insert:** "10"

And, as amended, do pass. Report adopted.

**HB 637**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 684**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 710**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "SEXUALLY ORIENTED"

2. Title, line 8.

**Following:** "ELECTRONIC MAIL"

**Insert:** "THAT CONTAINS OBSCENE SEXUAL WRITINGS OR PICTURES"

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3. Page 2, line 14.

**Following:** "transmission of"

**Strike:** "a"

**Insert:** "an unsolicited"

4. Page 2, line 24.

**Strike:** "sexually" through "information"

**Insert:** "obscene sexual writings or pictures"

5. Page 2, line 29.

**Following:** "of"

**Strike:** "a"

**Insert:** "an unsolicited"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/22/2003

**HB 113**, do pass. Report adopted.

**HB 437**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "OR WATER QUALITY LAWS"

2. Title, lines 14 and 15.

**Following:** the first "UNDER THE" on line 14

**Insert:** "MONTANA ADMINISTRATIVE PROCEDURE ACT,"

**Following:** "LAWS," on line 14

**Strike:** remainder of line 14 through "," on line 15

**Insert:** "NATURAL STREAMBED AND LAND PRESERVATION ACT, HAZARDOUS WASTE  
MANAGEMENT FACILITY LAWS, COAL AND URANIUM MINE RECLAMATION LAWS, AND  
METAL MINE RECLAMATION LAWS"

3. Title, line 19.

**Following:** "THAT"

**Strike:** "A PERSON"

**Insert:** "CERTAIN PERSONS"

**Following:** "CONDUCT"

**Strike:** "INVESTIGATIONS OR"

4. Title, line 21.

**Following:** "SECTIONS"

**Insert:** "2-4-702,"

5. Title, line 22.

**Strike:** "75-5-401, 75-5-403, 75-5-614,"

**Following:** "75-7-102,"

**Insert:** "75-7-121,"

**Strike:** "75-10-703,"

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**Insert:** "75-10-420,"

6. Title, line 23.

**Following:** "82-4-202,"

**Insert:** "82-4-239, 82-4-252,"

7. Title, line 24.

**Following:** "82-4-301,"

**Insert:** "82-4-349,"

**Following:** "82-4-402,"

**Insert:** "82-4-427, 82-4-436,"

**Following:** "DATE"

**Strike:** "AND"

**Insert:** ", "

8. Title, line 25.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

9. Page 3, line 1.

**Insert:** "**Section 1.** Section 2-4-702, MCA, is amended to read:

**"2-4-702. Initiating judicial review of contested cases.** (1) (a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review under this chapter. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in subsection (2)(c), proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final decision of the agency or, if a rehearing is requested, within 30 days after the decision is rendered. Except as otherwise provided by statute or subsection (2)(d), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends ~~he is to be~~ entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315, 27-19-316, and 27-19-317 are met.



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(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be ~~taxed~~ required by the court ~~for~~ to pay the additional costs. The court may require or permit subsequent corrections or additions to the record.""

**Renumber:** subsequent sections

10. Page 3, line 3.

**Strike:** "Findings"

**Insert:** "Intent"

11. Page 3, lines 5 and 6.

**Following:** "1979." on line 5

**Strike:** remainder of line 5 through "constitution." on line 6

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system."

12. Page 3, line 11.

**Strike:** "Findings"

**Insert:** "Intent"

13. Page 3, lines 13 and 14.

**Following:** "Act." on line 13

**Strike:** remainder of line 13 through "constitution." on line 14

**Insert:** "It is the legislature's intent that the requirements of parts 1 through 3 of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

14. Page 4, line 25.

**Following:** "rights"

**Insert:** ", by the legislature and the courts,"

15. Page 4, line 28.

**Strike:** "Findings"

**Insert:** "Intent"

16. Page 4, line 30 through page 5, line 1.

**Following:** "Montana." on page 4, line 30

**Strike:** remainder of line 30 through "constitution." on page 5, line 1

**Insert:** "It is the legislature's intent that the requirements of parts 1 through 4 of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

17. Page 5, line 6.

**Following:** "balanced"

**Insert:** ", by the legislature and the courts,"

18. Page 6, line 1.

**Following:** "A"

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**Insert:** "judicial"

**Following:** "chapter"

**Insert:** "by a party other than the permit applicant or permitholder"

**Following:** "for"

**Insert:** "a preliminary"

19. Page 6, line 2.

**Following:** "issued"

**Insert:** "unless otherwise agreed to by the permit applicant or permitholder"

20. Page 9, lines 11 and 12.

**Strike:** subsection (13) in its entirety

21. Page 11, lines 26 and 27.

**Strike:** subsection (12) in its entirety

22. Page 12, line 9.

**Strike:** "Findings"

**Insert:** "Intent"

23. Page 12, lines 11 and 12.

**Following:** "chapter." on line 11

**Strike:** remainder of line 11 through "constitution." on line 12

**Insert:** "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

24. Page 12, line 19 through page 15, line 26.

**Strike:** sections 9 through 11 in their entirety

**Renumber:** subsequent sections

25. Page 15, line 29.

**Strike:** "Findings"

**Insert:** "Intent"

26. Page 16, lines 1 and 2.

**Following:** "1975." on line 1

**Strike:** remainder of line 1 through "constitution." on line 2

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

27. Page 16, line 10.

**Insert:** "**Section 11.** Section 75-7-121, MCA, is amended to read:

**"75-7-121. Review.** Any review of final action by the supervisors under 75-7-112 or 75-7-113 must be by arbitration. Judicial review of an arbitration action is under the provisions of Title 27, chapter 5, part 3, and must be brought in the county where the action is proposed to occur."

**Renumber:** subsequent sections

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28. Page 16, line 12.

**Following:** "Legislative"

**Insert:** "intent,"

**Following:** "findings"

**Insert:** ", "

29. Page 16, lines 14 and 15.

**Following:** "Act." on line 14

**Strike:** remainder of line 14 through "constitution." on line 15

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

30. Page 16, line 22.

**Strike:** "Findings"

**Insert:** "Intent, findings,"

31. Page 16, lines 24 and 25.

**Strike:** lines 24 and 25 in their entirety

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

32. Page 17, lines 8 through 15.

**Strike:** section 15 in its entirety

**Insert:** "**Section 14.** Section 75-10-420, MCA, is amended to read:

**"75-10-420. Venue for legal actions.** All legal actions affecting hazardous waste management facilities in the state must be brought in the county in which the facility is located or is proposed to be located."

**Renumber:** subsequent sections

33. Page 17, line 17.

**Strike:** "findings"

**Insert:** "intent"

34. Page 17, line 27 through line 29.

**Following:** "Act." on line 27

**Strike:** remainder of line 27 through "constitution." on line 29

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

35. Page 17, line 30 through page 18, line 1.

**Strike:** "investigation" on page 17, line 30 through the first "or" on page 18, line 1

36. Page 18, line 6.

**Strike:** "Findings"

**Insert:** "Intent"

37. Page 18, lines 8 and 9.

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**Following:** "Act." on line 8

**Strike:** remainder of line 8 through "constitution." on line 9

**Insert:** "It is the legislature's intent that the requirements of the Megalandfill Siting Act provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

38. Page 18, line 24.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

39. Page 18, lines 26 through 28.

**Following:** "Act." on line 26

**Strike:** remainder of line 26 through "constitution." on line 28

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

40. Page 19, line 9.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

41. Page 19, lines 10 through 12.

**Following:** "part." on line 10

**Strike:** remainder of line 10 through "constitution." on line 12

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

42. Page 20, line 11.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

43. Page 20, lines 13 and 14.

**Following:** "Act." on line 13

**Strike:** remainder of line 13 through "constitution." on line 14

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

44. Page 20, line 23.

**Following:** "**Policy**"

**Insert:** "**, intent,**"

45. Page 20, lines 25 and 26.

**Following:** "Act." on line 25

**Strike:** remainder of line 25 through "constitution." on line 26

**Insert:** "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

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46. Page 22, line 18.

**Following:** "A"

**Insert:** "judicial"

**Following:** "chapter"

**Insert:** "by a party other than the certificate holder or applicant"

**Following:** "for"

**Insert:** "a preliminary"

47. Page 22, line 19.

**Following:** "chapter"

**Insert:** "unless otherwise agreed to by the certificate holder or applicant"

48. Page 23, line 2.

**Following:** "A"

**Insert:** "judicial"

**Following:** "chapter"

**Insert:** "by a party other than the certificate holder or applicant"

**Following:** "for"

**Insert:** "a preliminary"

49. Page 23, line 3.

**Following:** "chapter"

**Insert:** "unless otherwise agreed to by the certificate holder or applicant"

50. Page 23, line 6.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

51. Page 23, lines 8 and 9.

**Following:** "Act." on line 8

**Strike:** remainder of line 8 through "constitution." on line 9

**Insert:** "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

52. Page 24, line 4.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

53. Page 24, lines 6 and 7.

**Following:** "Act." on line 6

**Strike:** remainder of line 6 through "constitution." on line 7

**Insert:** "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

54. Page 25, line 8.

**Strike:** "Findings"

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**Insert: "Intent -- findings"**

55. Page 25, lines 10 and 11.

**Following:** "Act." on line 10

**Strike:** remainder of line 10 through "constitution." on line 11

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

56. Page 25, line 29.

**Strike: "Policy"**

**Insert: "Intent -- policy"**

57. Page 26, lines 1 and 2.

**Following:** "Act." on line 1

**Strike:** remainder of line 1 through "constitution." on line 2

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

58. Page 27, line 5.

**Insert: "Section 28.** Section 82-4-239, MCA, is amended to read:

**"82-4-239. Reclamation.**(1) The department may have reclamation work done by its employees, by employees of other governmental agencies, by soil conservation districts, or through contracts with qualified persons. The board may construct, operate, and maintain plants for the control and treatment of water pollution resulting from mine drainage.

(2) Any funds or any public works programs available to the department must be used and expended to reclaim and rehabilitate lands that have been subjected to strip mining or underground mining and that have not been reclaimed and rehabilitated in accordance with the standards of this part. The department shall cooperate with federal, state, and private agencies to engage in cooperative projects under this section.

(3) Agents, employees, or contractors of the department may enter upon any land for the purpose of conducting studies or exploratory work to determine whether the land has been strip- or underground-mined and not reclaimed and rehabilitated in accordance with the requirements of this part and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of any adverse effects of past coal-mining practices. Upon request of the director of the department, the attorney general shall bring an injunctive action to restrain any interference with the exercise of the right to enter and inspect granted in this subsection. The action must be brought in the county in which the mine is located.

(4) (a) The department shall take the actions described in subsection (4)(b) when it makes a finding of fact that:

- (i) land or water resources have been adversely affected by past coal-mining practices;
- (ii) the adverse effects are at a stage at which, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
- (iii) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices are not known or readily available or the owners will not give permission for the department or its agents, employees, or contractors to enter upon the property to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices.

(b) After giving notice by mail to the owner, if known, and any purchaser under contract for deed, if known, or, if neither is known, by posting notice on the premises and advertising in a newspaper of general circulation in the county in which the land lies, the agents, employees, or contractors of the department may enter on the property

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adversely affected by past coal-mining practices and on any other property necessary for access to the mineral property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices.

(c) Action taken under subsection (4)(b) is not an act of condemnation of property or of trespass, but rather is an exercise of the power granted by ~~sections 1 and 2~~, Article IX, sections 1 and 2, of the Montana constitution.

(5) (a) Within 6 months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal-mining practices on privately owned land, the department shall itemize the money expended and may file a statement of those expenses in the office of the clerk and recorder of the county in which the land lies, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal-mining practices if the money expended resulted in a significant increase in property value. The statement constitutes a lien upon the land. The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices. A lien under this subsection (5)(a) may not be filed against the property of a person who owned the surface prior to May 2, 1977, and who did not consent to, participate in, or exercise control over the mining operation that necessitated the reclamation performed under this part.

(b) The landowner may petition within 60 days of the filing of the lien to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices. The amount reported to be the increase in value of the premises constitutes the amount of the lien and must be recorded with the statement provided for in this section. Any party aggrieved by the decision may appeal as provided by law.

(c) The lien provided in this section must be recorded at the office of the county clerk and recorder. The statement constitutes a lien upon the land as of the date of the expenditure of the money and has priority as a lien second only to the lien of real estate taxes imposed upon the land.

(6) The department may acquire the necessary property by gift or purchase. If the property cannot be acquired by gift or purchase at a reasonable cost, proceedings may be instituted in the manner provided in Title 70, chapter 30, against all nonaccepting landholders if:

(a) the property is necessary for successful reclamation;

(b) the acquired land after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices will serve recreation and historic purposes or conservation and reclamation purposes or provide open space benefits; and

(c) (i) permanent facilities, such as treatment plants or relocated stream channels, will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past strip- or underground-coal-mining practices; or

(ii) acquisition of coal refuse disposal sites and all coal refuse on the land will serve the purposes of this part because public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal-mining practices.""

**Insert: "Section 29.** Section 82-4-252, MCA, is amended to read:

**"82-4-252. Mandamus.** (1) A resident of this state or any person having an interest ~~which that~~ is or may be adversely affected, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced or implemented by a public officer or employee whose duty it is to enforce or implement the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that ~~shall must~~ state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce or implement the requirement or rule, the resident or person having an interest ~~which that~~ is or may be adversely affected may bring an action of mandamus ~~in the district court of the first judicial district of this state, in and for the county of Lewis and Clark, or in the district court of the county in which the land is located.~~ The

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court, if it finds that a requirement of this part or a rule adopted under this part is not being enforced, shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform ~~his~~ the officer's or employee's duties. If ~~he~~ the officer or employee fails to ~~do so~~ obey the order, the public officer or employee ~~shall~~ must be held in contempt of court and is subject to the penalties provided by law.

(3) Any person having an interest that is or may be adversely affected may commence a civil action on ~~his~~ the person's own behalf to compel compliance with this part against any person for the violation of this part or any rule, order, or permit issued ~~hereunder~~ under this part. However, ~~no such~~ the action may ~~not~~ not commence:

(a) prior to 60 days after the plaintiff has given notice in writing to the department and to the alleged violator; or

(b) if the department has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this part or any rule, order, or permit issued ~~hereunder~~ under this part. Any person may intervene as a matter of right in ~~any such~~ the civil action. ~~Nothing in this~~ This section ~~restricts~~ does not restrict any right that any person may have under any statute or common law to seek enforcement of this part or the rules adopted ~~hereunder~~ under this part or to seek any other relief.

(4) Any person who is injured in ~~his~~ the person or property through the violation by any operator of any rule, order, or permit issued pursuant to this part may bring an action for damages, ~~(including reasonable attorney and expert witness fees),~~ only in the county in which the strip- or underground-coal-mining operation complained of is located. ~~Nothing in this~~ This subsection ~~affects~~ does not affect the rights established by or limits imposed under ~~chapter 71 of Title 39, chapter 71.~~

(5) The court, in issuing any final order in any action brought pursuant to subsection (3), may award costs of litigation, ~~(including attorney and expert witness fees),~~ to any party whenever the court determines ~~such that the~~ that the award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Montana Rules of Civil Procedure.""

**Renumber:** subsequent sections

59. Page 27, line 7.

**Following:** "Legislative"

**Insert:** "intent and"

60. Page 27, lines 8 through 10.

**Following:** "part." on line 8

**Strike:** remainder of line 8 through "constitution." on line 10

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

61. Page 27, line 22.

**Insert:** "Section 31. Section 82-4-349, MCA, is amended to read:

**"82-4-349. Limitations of actions -- venue -- injunction.** (1) Legal actions seeking review of a department decision granting or denying an exploration license or operating permit issued under this part must be filed within 90 days after the decision is made. Summons must be issued and process served on all defendants within 60 days after the action is filed.

(2) An action to challenge the issuance of a license or permit pursuant to this part must be brought in the county in which the exploration or permitted activity is proposed to occur. If an activity is proposed to occur in more than one county, the action may be brought in any of the counties in which the exploration or activity is proposed to occur.

(3) A judicial challenge to an exploration license or operating permit issued pursuant to this part by a party other than the license or permit holder or applicant must include an action for a preliminary injunction against the party to whom the license or permit was issued unless otherwise agreed to by the license or permit holder or



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applicant.""

**Renumber:** subsequent sections

62. Page 27, line 24.

**Strike:** "**Findings**"

**Insert:** "**Intent, findings,**"

63. Page 27, lines 25 through 27.

**Following:** "Act." on line 25

**Strike:** remainder of line 25 through "constitution." on line 27

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

64. Page 28, line 8.

**Insert:** "**Section 33.** Section 82-4-427, MCA, is amended to read:

**"82-4-427. Hearing -- appeal -- venue -- injunction.** (1) A person who is aggrieved by a final decision of the department under this part is entitled to a hearing before the board, if a written request is submitted to the board within 30 days of the department's decision.

(2) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing held under this section.

(3) An action to challenge the issuance of a permit pursuant to this section must be brought in the county in which the permitted activity is proposed to occur. If an activity is proposed to occur in more than one county, the action may be brought in any of the counties in which the activity is proposed to occur.

(4) A judicial challenge to a permit issued pursuant to this part by a party other than the permitholder or applicant must include an action for a preliminary injunction against the party to whom the permit was issued unless otherwise agreed to by the permitholder or applicant."

**Insert:** "**Section 34.** Section 82-4-436, MCA, is amended to read:

**"82-4-436. Plan amendments -- venue -- injunction.** (1) Unless an amendment to a plan of operation, reclamation plan, or other permit is proposed by the operator, the department may modify only the terms of a plan or permit in compliance with this section.

(2) If the department believes, based on credible evidence, that continued operation under the terms of an existing plan or permit would violate a substantive numerical or narrative state standard or regulation or otherwise violate a purpose of this part, it may propose to the operator an amendment to the plan or permit.

(3) The department shall notify the operator of the proposed amendment in writing. The notice must include:

(a) an identification of the existing plan or permit;

(b) the justification for the amendment, including all test results or other credible evidence that the department relied on in proposing the amendment; and

(c) the text of the proposed amendment.

(4) The operator may, within 15 days of receipt of the department's amendment notice, request a review of the amendment by the department director. The amendment is not effective or enforceable until 15 days following the issuance of the department's amendment notice or until after the department director affirms or modifies the amendment if a review by the director is requested. A decision by the department director is subject to the contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, parts 6 and 7.

(5) If the operator does not appeal the proposed amendment, the amendment becomes effective and enforceable 15 days after the operator receives the notification.

(6) An action to challenge the issuance of an amendment pursuant to this section must be brought in the county in which the activity is proposed to occur. If an activity is proposed to occur in more than one county, the

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action may be brought in any of the counties in which the activity is proposed to occur.

(7) A judicial challenge to an amendment issued pursuant to this section by a party other than the amendment holder or applicant must include an action for a preliminary injunction against the party to whom the amendment was issued unless otherwise agreed to by the amendment holder or applicant."

**Renumber:** subsequent sections

65. Page 28, line 10.

**Following:** "Legislative"

**Insert:** "intent,"

**Following:** "findings"

**Insert:** ", "

66. Page 28, lines 12 and 13.

**Following:** "Act." on line 12

**Strike:** remainder of line 12 through "constitution." on line 13

**Insert:** "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

67. Page 28, line 26.

**Following:** "action"

**Insert:** "is proposed to occur or"

68. Page 28, line 27.

**Following:** "activity"

**Insert:** "is proposed to occur or"

69. Page 28, line 28.

**Following:** "activity"

**Insert:** "is proposed to occur or"

70. Page 28, line 30.

**Strike:** "32"

**Insert:** "36"

71. Page 29, line 1.

**Strike:** "32"

**Insert:** "36"

72. Page 29, line 2.

**Insert:** "NEW SECTION. Section 38. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

73. Page 29, line 7.

**Insert:** "NEW SECTION. Section 41. Termination. [Section 7] terminates July 1, 2005."

And, as amended, do pass. Report adopted.

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**HB 467**, introduced bill, be amended as follows:

1. Title, line 12 through line 13.

**Following:** "DATE AND"

**Strike:** "RETROACTIVE APPLICABILITY DATES"

**Insert:** "AN APPLICABILITY DATE"

2. Page 2, line 18.

**Following:** "result of"

**Strike:** "point source discharges"

**Insert:** "pollution"

3. Page 5, line 3 through line 7.

**Strike:** section 5 in its entirety

**Insert:** "NEW SECTION. Section 5. Applicability. [This act] applies to petitions for rulemaking to classify waters as outstanding resource waters that are filed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 574**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 584**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 673**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "part 3"

**Insert:** "parts 3 and 4"

2. Page 3, line 30.

**Strike:** "part 3"

**Insert:** "parts 3 and 4"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

2/22/2003

**HB 463**, do pass. Report adopted.

**MOTIONS**

Representative R. Brown moved **HB 569** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 628** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Cohenour requested on **HB 382** her vote be shown as yes. There being no objection, so ordered.

Representative Newman requested on **HB 411** that his name be removed as cosponsor. There being no objection, so ordered.

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**SPECIAL ORDERS OF THE DAY**

The following bill was **removed** from the consent calendar: **HB 689**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Monday, February 24, 2003. Motion carried.

House adjourned at 4:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 24, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Lasloffy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Galvin-Halcro and Jent, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-fifth and thirty-sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

Mr. Speaker introduced the pages of the week:

Austin Anderson, Great Falls  
Stephanie Dwyer, Butte  
Lindsay Erickson, Billings  
Anne Hoblitt, Bozeman  
Brandon Johnson, Libby  
Micaela Newman, Butte  
Jen Steinbeisser, Sidney

**COMMUNICATIONS AND PETITIONS**

Petition to the Montana House of Representatives

I hereby petition the Montana House of Representatives to Divide the Question regarding House Bill 74, pursuant to House Rule 50-130.

There are two or more propositions so distinct that they can be separated; to wit;

- (1) The transfer \$93 million from the Coal Severance Tax Trust, and;
- (2) The funding of particular programs.

In dividing the question on House Bill 74 I further petition the Montana House of Representatives to first consider the transfer \$93 million from the Coal Severance Tax Trust and second to consider the program funding. The question of program funding is a substantive question that remains after a determination of a transfer \$93 million from the Coal Severance Tax Trust.

Dated this 24th day of February, 2003

Signed by Representative Gallik, House District 52, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/24/2003

Correctly printed: **HB 113, HB 463, HB 506, HB 574, HB 584, HB 637, HB 640, HB 660, HB 684.**

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Correctly engrossed: **HB 127, HB 431, HB 460, HB 468, HB 621, HB 648.**

Delivered to the Governor for approval at 9:00 a.m., February 24, 2003: **HB 22, HB 51, HB 80, HB 112, HB 121, HB 151, HB 406.**

Delivered to the Secretary of State at 10:25 a.m., February 24, 2003: **HJR 6.**

**HUMAN SERVICES** (Thomas, Chairman):

2/24/2003

**HJR 29**, introduced joint resolution, be amended as follows:

1. Page 1, line 21.

**Following:** "not-for-profit"

**Insert:** ", along with for-profit,"

2. Page 2, line 18.

**Following:** "not-for-profit"

**Insert:** "and for-profit"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/22/2003

**SB 254**, introduced by Cooney

**SB 275**, introduced by Laible

**SB 306**, introduced by D. Ryan

**SB 308**, introduced by Taylor

**SB 326**, introduced by McGee

**SB 345**, introduced by Elliott

**SB 355**, introduced by McGee

**SB 364**, introduced by Cooney

**SB 384**, introduced by Mangan

**SB 393**, introduced by Kitzenberg

**SB 408**, introduced by Nelson

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/22/2003

**SJR 15**, introduced by Nelson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 738**, introduced by Cohenour, referred to Appropriations.

**HB 739**, introduced by Mendenhall, referred to Appropriations.

**HB 740**, introduced by McKenney, DePratu, Story, referred to Taxation.

**HB 741**, introduced by Lindeen, Brueggeman (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to Appropriations.

**HB 742**, introduced by Weiss, Ballantyne, Becker, Bixby, Carney, Cyr, Dickenson, Dowell, Facey, Gallus, Galvin-

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Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Juneau, Lenhart, Lindeen, Newman, Wanzenried, Windy Boy, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 51**, introduced by Bohlinger (by request of the Department of Commerce), referred to Business and Labor.

**SB 54**, introduced by Bohlinger, referred to State Administration.

**SB 55**, introduced by Keenan (by request of the Legislative Finance Committee), referred to Human Services.

**SB 56**, introduced by Keenan (by request of the Legislative Finance Committee), referred to Judiciary.

**SB 57**, introduced by Keenan (by request of the Legislative Finance Committee), referred to Judiciary.

**SB 62**, introduced by D. Ryan, referred to Federal Relations, Energy, and Telecommunications.

**SB 64**, introduced by Keenan (by request of the Department of Public Health and Human Services), referred to Judiciary.

**SB 65**, introduced by Roush (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Taxation.

**SB 66**, introduced by Bohlinger (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 68**, introduced by Cromley (by request of the Department of Justice), referred to Judiciary.

**SB 69**, introduced by Nelson (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 70**, introduced by McNutt (by request of the Transition Advisory Committee on Electric Utility Industry Restructuring), referred to Federal Relations, Energy, and Telecommunications.

**SB 71**, introduced by Barkus (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 75**, introduced by Stapleton (by request of the Department of Military Affairs), referred to Judiciary.

Majority Leader Brown moved that the House recess until 12:30 p.m. for purpose of caucuses. Motion carried.

House recessed at 12:09 p.m.

House reconvened at 12:31 p.m. All members present, except Representatives Galvin-Halcro, and Lang, excused. Quorum present.

The Speaker recognized Representative Gallik.

Representative Gallik addressed his petition requesting to divide the question regarding **HB 74** pursuant to House Rule 50-130.

The Speaker ruled that the petition was out of order.

Minority Leader Wanzenried challenged this rule.

The Speaker called for a meeting of the Rules Committee.

The Rules Committee upheld the ruling of the Speaker.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 647** - Representative B. Thomas moved **HB 647** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Kasten, Pattison, Sinrud.  
Total 3

Voted Absentee: Galvin-Halcro, Lange, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ripley, Sales.  
Total 2

Representative Lange present at this time.

**HB 74** - Representative Lewis moved **HB 74** do pass.

Representative A. Olson moved **HB 74**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "\$93"

**Insert:** "\$31.6"

2. Page 1, line 14.

**Strike:** "\$93"

**Insert:** "\$31.6"

3. Page 1, line 16.

**Strike:** "\$93"

**Insert:** "\$31.6"



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4. Page 1, line 25.

**Strike:** "\$1,000,000"

**Insert:** "\$561,448"

5. Page 1, line 26.

**Strike:** "\$7,100,000"

**Insert:** "\$3,986,284"

6. Page 1, line 27.

**Strike:** "\$5,700,000"

**Insert:** "\$3,200,256"

7. Page 1, line 28.

**Strike:** "\$340,000"

**Insert:** "\$190,892"

8. Page 1, line 29.

**Strike:** "\$163,000"

**Insert:** "\$91,516"

9. Page 1, line 30.

**Strike:** "\$500,000"

**Insert:** "\$280,724"

10. Page 2, line 1.

**Strike:** "\$11,600,000"

**Insert:** "\$6,512,801"

11. Page 2, line 2.

**Strike:** "\$680,000"

**Insert:** "\$381,785"

12. Page 2, line 3.

**Strike:** "\$1,200,000"

**Insert:** "\$673,738"

13. Page 2, line 4.

**Strike:** "\$28,000,000"

**Insert:** "\$15,720,556"

14. Page 2, line 5 through line 6.

**Strike:** "AN AMOUNT" on line 5 through "SUPPRESSION." on line 6

**Insert:** "If the amount transferred pursuant to [section 1] is less than \$31.6 million, the amounts appropriated in this section are to be reduced proportionately."

Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich,

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Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 42

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Everett.  
Total 1

Representative Steinbeisser moved for cloture. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Matthews.  
Total 1

Motion that **HB 74**, as amended, do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris,

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Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Voted Absentee: Galvin-Halcro, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Laszloffy.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 556**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith,

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Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Gillan.

Total 1

**HB 591**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 636**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, D. Brown, Everett, Sales, Sinrud, Wagman.

Total 6

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Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 19**, from consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: E. Clark, Small-Eastman.  
Total 2

**HB 42** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 63

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Newman, Raser, Sinrud, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 35

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Parker.  
Total 1

**HB 90** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Hawk, Jent, Lawson, Mendenhall, Morgan, Sinrud.

Total 6

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Pattison.

Total 1

**HB 144** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 91

Noes: Gallik, Kasten, Malcolm, Mendenhall, Morgan, Musgrove, Pattison, Mr. Speaker.

Total 8

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 189** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Haines, Harris, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 62

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Noes: Ballantyne, Becker, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Newman, Parker, Rome, Ryan, Smith, Wanzenried, Weiss, Windy Boy.  
Total 37

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 222** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 236** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: D. Brown, Gillan, Lake, Malcolm, B. Olson, Pattison, Ripley, Wagman, Waitschies.  
Total 9

Excused: Galvin-Halcro.

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Total 1

Absent or not voting: Lambert.

Total 1

**HB 283** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Erickson, Facey, Fritz, Gallik, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Windy Boy.

Total 25

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Stoker.

Total 1

**HB 298** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, D. Brown, Everett, Franklin, Fuchs, Golie, Kasten, Laszloffy, Malcolm, Sales.

Total 10

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 327** passed as follows:



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Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 62

Noes: Andersen, Barrett, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Steinbeisser, Stoker, Waitschies, Witt, Younkin.  
Total 37

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 358** passed as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Andersen, Ballantyne, Bookout-Reinicke, Cohenour, Cyr, Franklin, Gallik, Golie, Jacobson, Kaufmann, Keane, Lambert, Lewis, Peterson, Rice, Smith.  
Total 16

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Gibson.  
Total 1

**HB 368** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts,

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Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Kasten, Malcolm, Musgrove, Pattison, Sinrud, Weiss.

Total 6

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 407** passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, McKenney, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Rome, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 62

Noes: Andersen, Barrett, Branae, E. Clark, Cohenour, Devlin, Erickson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Keane, Lake, Lawson, Lenhart, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schrumpf, Steinbeisser, Waitschies, Witt.

Total 36

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Maedje.

Total 1

**HB 417** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 93

Noes: Hawk, Lambert, Mendenhall, Rice, Witt, Mr. Speaker.

Total 6

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Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 419** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Callahan, Dickenson, Gallik, Golie, Weiss.  
Total 5

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 484** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Sinrud.  
Total 1

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Wanzenried.  
Total 1

**HB 520** passed as follows:

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Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, Barrett, D. Brown, Everett, Fisher, Fuchs, Hawk, Hurwitz, Kasten, Mendenhall, Pattison, Rice, Sales, Steinbeisser, Waitschies, Younkin.  
Total 16

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 527** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Mendenhall.  
Total 1

**HB 531** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley,

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Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Buzzas, P. Clark, Cohenour, Erickson, Fritz, Gallik, Gibson, Gutsche, Harris, Kaufmann, Weiss.

Total 11

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 538** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Branae, D. Brown, R. Brown, Buzzas, P. Clark, Everett, Franklin, Fuchs, Gillan, Golie, Hawk, Jayne, Laszloffy, Mendenhall, Sales.

Total 16

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Fisher.

Total 1

**HB 557** passed as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

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Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Andersen.  
Total 1

**HB 561** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Fuchs, Gillan, Gutsche, Harris, Jayne, Sales.  
Total 7

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Franklin, Laszloffy, Schrumpf, Stoker.  
Total 4

**HB 563** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Weiss, Wilson.  
Total 43

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 572** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: Morgan.  
Total 1

**HB 573** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 578** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,

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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Peterson.

Total 1

**HB 579** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 585** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 95



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Noes: Balyeat, Noennig, Sales, Witt.  
Total 4

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 597** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, D. Brown, R. Brown, Devlin, Everett, Fisher, Fuchs, Hawk, Jackson, Kasten, Laslovich, Laszloffy, Malcolm, McKenney, Pattison, Rome, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Windy Boy.  
Total 22

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 601** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, D. Brown.  
Total 2

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.

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Total 0

**HB 615** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 51

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 46

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Erickson, Sales.

Total 2

**HB 618** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 71

Noes: Andersen, Balyeat, Bitney, E. Clark, P. Clark, Devlin, Everett, Forrester, Fuchs, Gallus, Jayne, Kasten, Lambert, Laszloffy, Lehman, Lewis, Maedje, Matthews, Morgan, Pattison, Peterson, Rice, Sales, Sinrud, Steinbeisser, Waitschies, Witt, Mr. Speaker.

Total 28

Excused: Galvin-Halcro.

Total 1

Absent or not voting: None.

Total 0

**HB 619** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines,

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Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Bitney, D. Brown, Lawson, Malcolm, McKenney.  
Total 5

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HB 639** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gibson, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, R. Brown, Buzzas, P. Clark, Everett, Fisher, Franklin, Fuchs, Gillan, Golie, Gutsche, Hawk, Jayne, Juneau, Lambert, Lange, Laszloffy, Lehman, Maedje, Mendenhall, Morgan, B. Olson, Rice, Roberts, Sales, Sinrud, Wagman, Wilson, Windy Boy.  
Total 30

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 21** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

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Noes: None.  
Total 0

Excused: Galvin-Halcro.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved **HB 444** be taken from the Committee on Transportation and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 74** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

2/24/2003

**HB 289**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

Strike: "MAKING" on line 4 through "CRIME;" on line 6

Strike: "LICENSE REINSTATEMENT FEE FOR" on line 6

Insert: "SANCTIONS IMPOSED UPON"

2. Title, page 1, line 7 through line 14.

**Strike:** "; PROVIDING" on line 7 through the end of line 14

**Insert:** "BY PROVIDING A REBUTTABLE INFERENCE THAT A PERSON WHO REFUSES A TEST IS UNDER THE INFLUENCE; AND AMENDING SECTION 61-8-404,"

3. Page 1, line 19 through page 8, line 19.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 61-8-404, MCA, is amended to read:

**"61-8-404. Evidence admissible -- conditions of admissibility.** (1) Upon the trial of a criminal action or other proceeding arising out of acts alleged to have been committed by a person in violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-805:

(a) evidence of any measured amount or detected presence of alcohol, drugs, or a combination of alcohol and drugs in the person at the time of a test, as shown by an analysis of the person's blood or breath, is admissible. A positive test result does not, in itself, prove that the person was under the influence of a drug or drugs at the time the person was in control of a motor vehicle. A person may not be convicted of a violation of 61-8-401 based upon the presence of a drug or drugs in the person unless some other competent evidence exists that tends to establish that the person was under the influence of a drug or drugs while driving or in actual physical control of a motor vehicle within this state.

(b) a report of the facts and results of one or more tests of a person's blood or breath is admissible in evidence if:

(i) a breath test or preliminary alcohol screening test was performed by a person certified by the forensic

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sciences division of the department to administer the test;

(ii) a blood sample was analyzed in a laboratory operated or certified by the department or in a laboratory exempt from certification under the rules of the department and the blood was withdrawn from the person by a person competent to do so under 61-8-405(1);

(c) a report of the facts and results of a physical, psychomotor, or physiological assessment of a person is admissible in evidence if it was made by a person trained by the department or by a person who has received training recognized by the department.

(2) If the person under arrest refused to submit to one or more tests as provided in this section, proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the ways of this state open to the public, while under the influence of alcohol, drugs, or a combination of alcohol and drugs. The trier of fact may infer from the refusal that the person was under the influence. The inference is rebuttable.

(3) The provisions of this part do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs."

And, as amended, do pass. Report adopted.

**HB 701**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "PAY"

**Insert:** "PERSONNEL"

And, as amended, do pass. Report adopted.

**HB 703**, introduced bill, be amended as follows:

1. Page 3, line 29.

**Strike:** "the omission of"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/24/2003

**HB 475**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "STATE" through "DECISIONS"

**Insert:** "ADMINISTRATIVE ACTIONS TAKEN OR PROPOSED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

2. Title, line 7 and line 8.

**Strike:** "REQUIRING" on line 7 through "LANDS;" on line 8

3. Title, line 8 AND LINE 9.

**Strike:** "75-7-102" on line 8 through "77-1-804," on line 9

4. Title, line 9.

**Following:** "87-1-257"

**Strike:** ", "

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5. Page 1, line 18 through line 20.

**Strike:** "; and" on line 18 through "land" on line 20

6. Page 1, line 24.

**Strike:** "8"

**Insert:** "6"

7. Page 1, line 27.

**Strike:** "8"

**Insert:** "6"

8. Page 1, line 28.

**Strike:** "state agency"

**Strike:** "or land use policy decisions"

**Insert:** "taken or proposed by the department of fish, wildlife, and parks"

9. Page 2, line 2.

**Strike:** "8"

**Insert:** "6"

10. Page 2, line 3.

**Following:** "an action"

**Insert:** "related to private land or water appropriation rights"

**Strike:** "a state agency"

**Insert:** "the department of fish, wildlife, and parks"

11. Page 2, line 9 through line 24.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

12. Page 2, line 28 through line 30.

**Strike:** "unless" on line 28 through "policy" on line 30

**Insert:** "except as provided in subsection (2)"

13. Page 3, line 14.

**Following:** "erected"

**Insert:** ", except for fencing erected with the consent of the current property owner"

14. Page 3, line 17.

**Strike:** "60"

**Insert:** "15"

15. Page 3, line 18 through line 20.

**Strike:** "shall" on line 18 through "proposal" on line 20

**Insert:** "may notify the department that the board has rejected the department's proposal. If the board does not reject the department's proposal within 15 days of receipt of the notification, the department may proceed without the consent of the board"

16. Page 3, line 22 through line 27.

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**Strike:** section 6 in its entirety  
**Renumber:** subsequent sections

17. Page 3, line 30.  
**Strike:** "prohibition and"  
**Strike:** "sections"  
**Insert:** "section"  
**Strike:** "through 6"

18. Page 4, line 3.  
**Strike:** "a state agency"  
**Insert:** "the department of fish, wildlife, and parks"

19. Page 4, line 5.  
**Strike:** "sections"  
**Insert:** "section"  
**Strike:** "through 6"

20. Page 4, line 6.  
**Strike:** "a state agency"  
**Insert:** "the department of fish, wildlife, and parks"  
**Strike:** "an agency"  
**Insert:** "a department"

21. Page 4, line 7.  
**Strike:** "sections"  
**Insert:** "section"  
**Strike:** "through 6"

22. Page 4, line 8.  
**Following:** "what the"  
**Strike:** "agency"  
**Insert:** "department"  
**Following:** ", the"  
**Strike:** "agency"  
**Insert:** "department"

23. Page 4, line 10.  
**Strike:** "a state agency"  
**Insert:** "the department of fish, wildlife, and parks"

24. Page 4, line 11 and line 12.  
**Strike:** "state" on line 11 through "agency" on line 12  
**Insert:** "department"

25. Page 4, line 13.  
**Strike:** "sections"  
**Insert:** "section"

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**Strike:** "through 6"

**Following:** "deny"

**Insert:** ", exclude, cease, prevent, limit,"

26. Page 4, line 13 and line 14.

**Strike:** "state" on line 13 through "board" on line 14

27. Page 4, line 14.

**Following:** "coal,"

**Insert:** "mining,"

28. Page 4, line 14 and line 15.

**Strike:** "or" on line 14 through "project" on line 15

**Insert:** "farming, oil and gas, road improvements, or any other commercial or economic activity"

29. Page 4, line 18.

**Strike:** "sections"

**Insert:** "section"

**Strike:** "through 6"

30. Page 4, line 19.

**Strike:** "sections"

**Insert:** "section"

**Strike:** "through 6"

**Strike:** "an agency"

**Insert:** "the department of fish, wildlife, and parks"

31. Page 4, line 20.

**Strike:** "agency"

**Insert:** "department"

32. Page 4, line 23.

**Strike:** "agency"

**Insert:** "department of fish, wildlife, and parks"

33. Page 4, line 24.

**Strike:** "sections"

**Insert:** "section"

34. Page 4, line 25.

**Strike:** "through 6"

35. Page 4, line 26.

**Strike:** "agency"

**Insert:** "department"

**Strike:** "sections"

**Insert:** "section"



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36. Page 4, line 27.

**Strike:** "through 6"

**Strike:** "agency"

**Insert:** "department"

37. Page 4, line 30 through page 7, line 27.

**Strike:** section 9 through section 12 in their entirety

**Renumber:** subsequent sections

38. Page 8, line 1.

**Strike:** "5"

**Insert:** "4"

39. Page 8, line 16.

**Strike:** "5"

**Insert:** "4"

40. Page 8, line 21.

**Strike:** "(1)"

**Strike:** "8"

**Insert:** "6"

41. Page 8, line 22.

**Strike:** "8"

**Insert:** "6"

42. Page 8, line 23 and line 24.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 518**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "FOR"

**Insert:** "CERTAIN"

2. Page 1, line 18.

**Strike:** ", the judicial branch,"

3. Page 1, line 20.

**Following:** "system"

**Insert:** "or the judicial branch"

And, as amended, do pass. Report adopted.

**HB 523**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

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**Strike:** "AND"

2. Title, page 1, line 11.

**Following:** "VIOLATIONS"

**Insert:** "; AND AMENDING SECTION 13-37-128, MCA"

3. Page 1, line 19.

**Following:** "13-37-201,"

**Insert:** "a political organization defined in 26 U.S.C. 527,"

4. Page 1, line 20.

**Following:** "shall"

**Insert:** "at the time specified in subsection (3)"

5. Page 1, line 21.

**Following:** "media"

**Insert:** ", in printed material,"

6. Page 1, line 25.

**Following:** "commentary"

**Insert:** ", except candidates mentioned in the context of endorsements"

7. Page 1.

**Following:** line 27

**Insert:** "(3) Final copies of material described in subsection (1) must be provided to the candidates and committees listed in subsection (2) at the following times:

(a) at the same time as the final copy of the material is provided to the publisher for publishing;

(b) at the same time the final transcript is provided to the producer for broadcasting;

(c) if the material is disseminated by direct mail, on the date of the postmark; or

(d) if the material is prepared and disseminated by hand, on the day the material is first being made public.

(4) The copy of the material that must be provided to the candidates and committees listed in subsection (2) must be provided by electronic mail, facsimile transmission, or hand delivery. If the material is for broadcast media, the copy provided must be a written transcript of the broadcast."

8. Page 2, line 10.

**Strike:** "13-37-124 and 13-37-125"

**Insert:** "13-37-128"

9. Page 2.

**Following:** line 10

**Insert:** "**Section 5.** Section 13-37-128, MCA, is amended to read:

**"13-37-128. Cause of action created.** (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter or a provision of [sections 1 through 4] is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three

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times the amount of the unlawful contribution or expenditure, whichever is greater.""

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

2/24/2003

**HB 642**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Following:** "adjustments"

**Insert:** "and adjustments related to the resolution of property taxes paid under protest"

2. Page 1, line 22.

**Strike:** "10"

**Insert:** "45"

And, as amended, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HB 574, HB 584, HB 621, HB 631, HB 637, HB 684, HJR 24.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Tuesday, February 25, 2003. Motion carried.

House adjourned at 3:06 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 25, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Raser. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-seventh, thirty-eighth, and thirty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

Mr. Speaker introduced the following page:

Alexander Jardon, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/25/2003

Correctly engrossed: **HB 437, HB 467, HB 475, HB 479, HB 518, HB 523, HB 642, HB 673, HB 710, HJR 29.**

Correctly enrolled: **HB 181, HB 311.**

Examined by the sponsor and found to be correct: **HB 181, HB 311.**

Signed by the Speaker at 5:00 p.m., February 24, 2003: **HB 181, HB 311.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/24/2003

**HB 205**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "MONTANA"

**Insert:** "STATE"

2. Title, line 12 through line 13.

**Strike:** "AN" on line 12 through "DATE" on line 13

**Insert:** "EFFECTIVE DATES AND AN APPLICABILITY DATE"

3. Page 3, line 17.

**Following:** "technical"

**Insert:** ", administrative,"

4. Page 5, line 24.

**Strike:** "given to"

**Insert:** "obtained by"

5. Page 5, line 25.

**Strike:** "33-19-306(3) through ~~(22)~~ (24)"

**Insert:** "33-19-306(10), (11), (14), (15), and (17)"

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6. Page 6, line 25.

**Strike:** "but not limited to"

7. Page 7, line 7.

**Following:** "examinations"

**Insert:** "of the licensee"

8. Page 7, line 8 through line 9.

**Strike:** "of any" on line 8 through "(1)" on line 9

**Insert:** "that are subject to state privacy laws"

9. Page 7, line 16.

**Strike:** "(2)(a)"

**Insert:** "(7)(a)"

**Following:** "exemption"

**Insert:** ", unless the requirements of this subsection (7) are preempted by HIPAA privacy regulations"

10. Page 7, line 23.

**Strike:** "and insurance functions"

11. Page 7, line 28.

**Strike:** "(4)(a)"

**Insert:** "(5)(a)"

12. Page 8, line 29.

**Following:** " ; "

**Insert:** "and"

13. Page 9, line 1.

**Strike:** " ; "

**Insert:** " . "

14. Page 9, following line 1.

**Insert:** "(4) The following information must be contained in the initial notice delivered at the time of application and in any subsequent annual notice if the policy renews periodically:"

**Renumber:** subsequent subsections

15. Page 9, line 2.

**Strike:** "(f)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

16. Page 9, line 5.

**Strike:** " , discloses, "

17. Page 9, line 6.

**Following:** "from"

**Insert:** "or discloses personal information to"

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18. Page 9, line 15.

**Strike:** "(7)"

**Insert:** "(8)"

19. Page 9, line 19.

**Strike:** "(22)"

**Insert:** "(24)"

**Strike:** "(4)(b)"

**Insert:** "(5)(b)"

20. Page 9, line 28.

**Strike:** "(4)(b)"

**Insert:** "(5)(b)"

21. Page 10, line 13.

**Strike:** "(4)(a)"

**Insert:** "(5)(a)"

22. Page 10, line 15.

**Strike:** "(4)(b)(i) through (4)(b)(iv)"

**Insert:** "(5)(b)(i) through (5)(b)(iv)"

23. Page 10, line 18 through line 21.

**Following:** "used, a"

**Strike:** "any national" on line 18 through "law" on line 21

**Insert:** "the licensee shall refer the individual to state specific notice forms that may be used. Any national notice form must give individuals clear and conspicuous notice that when state law is more protective of individuals than federal privacy law, the licensee will protect information in accordance with state law"

24. Page 11, line 10.

**Strike:** "3"

**Insert:** "2"

25. Page 11, line 15.

**Strike:** "The" through "organization"

**Insert:** "If an individual, after proper identification, submits a written request to a licensee for a record of disclosures of medical record information, the licensee"

26. Page 11, line 16 through line 17.

**Strike:** "insurance" on line 16 through "made" on line 17

**Insert:** "licensee"

27. Page 11, line 17.

**Following:** "33-19-306"

**Insert:** "(8) or (9), other than disclosures made to law enforcement authorities, to 33-19-306(10)(b), (12)(a)(ii), (13) or (14), only as to medical record information that has been identified, to 33-19-306(15) or (21), only as to medical information that has not been identified, and to 33-19-306(22)"

28. Page 11, line 18.

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**Strike:** ", and except as specified in subsection (2)(b) of this section, the"

**Insert:** ". The record of those"

29. Page 11, line 20.

**Strike:** "3"

**Insert:** "2"

30. Page 11, line 23 through line 28.

**Strike:** "Tracking" on line 23 through "authorities" on line 28

**Insert:** "If an individual submits a written request to a licensee for a record of disclosures of medical record information and the licensee may have made medical record information disclosures pursuant to 33-19-306(4)(b),(5),(11),(12)(a)(i), (12)(a)(ii),(12)(b),(16),(18), or (19), the licensee must provide the individual with a description of the types of medical record information that the licensee may disclose under those exceptions, along with a general description of the usual recipients of that information. Individual tracking of each disclosure of medical record information is not required"

31. Page 12, line 22.

**Strike:** "or insurance function"

32. Page 16, line 20.

**Following:** "disclosed;"

**Insert:** "and"

33. Page 16, line 22 through line 24.

**Strike:** "; and" on line 22 through "(3)" on line 24

34. Page 16, line 30.

**Strike:** ";"

35. Page 17, line 1.

**Strike:** "(a)"

36. Page 17, line 2 through line 3.

**Strike:** "; and" on line 2 through "(3)" on line 3

37. Page 18, line 7.

**Following:** "(2)"

**Strike:** "and (3)"

**Insert:** "through (4)"

38. Page 18, line 15.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Strike:** "[This act] is"

**Insert:** "(1) [Section 2 and this section] are"

39. Page 18, following line 15.

**Insert:** "(2) [Sections 1 and 3 through 6] are effective January 1, 2004, and apply to policies issued or renewed on or after January 1, 2004."

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And, as amended, do pass. Report adopted.

**HB 494**, do pass. Report adopted.

**HB 564**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 3.

**Following:** "department"

**Insert:** "of commerce"

3. Page 2, following line 15.

**Insert:** "(8) "Office of economic development" means the office of economic development established in 2-15-218."

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "wealth"

**Insert:** ", and for which at least 50% of the sales of the employer occur outside of Montana or the employer is a manufacturing company with at least 50% of its sales to other Montana companies that have 50% of their sales occurring outside of Montana"

5. Page 3, line 10.

**Strike:** "five-member"

**Insert:** "seven-member"

**Strike:** "appointed by the governor"

**Insert:** ", "

6. Page 3, line 11.

**Strike:** "one representative from the department"

**Insert:** "two representatives from the private sector representing economic development, one of whom serves on the state workforce investment board, appointed by the governor"

7. Page 3, line 12.

**Strike:** "one representative from the department of labor and industry"

**Insert:** "two representatives from the business community, one appointed by the president of the senate and one appointed by the speaker of the house, one of whom serves on the state workforce investment board"

8. Page 3, line 13.

**Following:** "office"

**Insert:** ", appointed by the governor"

9. Page 3, line 14.

**Following:** "revenue"

**Insert:** ", appointed by the governor"

10. Page 3, line 15.

**Strike:** "Montana university system"



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**Insert:** "department of labor and industry, appointed by the governor"

11. Page 4, line 5.

**Strike:** "department"

**Insert:** "office of economic development"

12. Page 4, line 12.

**Following:** "shall"

**Insert:** "demonstrate that at least 50% of the applicant's sales will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from companies that have 50% of their sales outside of Montana and must"

13. Page 4, line 28.

**Following:** "represents"

**Insert:** "the lesser of"

14. Page 4, line 29.

**Following:** "programs"

**Insert:** ", the current median income level of the county in which the employees are to be principally employed, or for jobs that will be principally located on a reservation, the current median income level of the reservation"

15. Page 4, line 30 through page 5, line 2.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) The office of economic development may consider the value of employee benefits in calculating the expected annual wage."

16. Page 6, line 13.

**Strike:** "the 12-month grant contract period"

**Insert:** "12 months from the time that the grant is awarded"

17. Page 6, line 27.

**Strike:** "annually"

18. Page 6, line 28.

**Following:** "received."

**Insert:** "Gross wages must be reported for the 12-month period following a grant award and for each subsequent 12-month period until the principal on the loan, issued under [section 7] and used to fund the grant award, is repaid."

19. Page 7, line 5.

**Strike:** "to a special fund"

**Insert:** "from the general fund to a special fund established in the office of economic development"

20. Page 7, line 6.

**Strike:** "[section 5]."

**Insert:** "[section 7]. The office of economic development shall establish a separate special fund for each grant award, which the office of economic development shall use for repayment of principal, interest, and administrative costs associated with that grant and the loan under [section 7] used to fund the grant and for the labor supply studies authorized in subsection (6)."

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21. Page 7, line 8.

**Following:** "particular"

**Strike:** "loan"

**Insert:** "grant"

**Following:** "principal on"

**Strike:** "that"

**Insert:** "the"

**Following:** the second "loan"

**Insert:** "issued under [section 7] used to fund that grant"

22. Page 7, following line 8.

**Insert:** "(6) The office of economic development shall, in each fiscal year, retain 5% of the total of all transfer payments from the department of revenue to the special accounts in the office of economic development, as provided for in subsection (5), that occur in that fiscal year. These funds must be used to assist the department of labor and industry in analyzing data and reporting on the available labor supply in Montana's rural, reservation, and urban labor markets."

**Renumber:** subsequent subsection

23. Page 7, line 14.

**Strike:** "department"

**Insert:** "office of economic development"

And, as amended, do pass. Report adopted.

**HB 588**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "THAT"

**Insert:** "FOR"

**Following:** "INCREASES"

**Insert:** "OR DECREASES"

2. Title, line 5 through line 8.

**Strike:** "ARE" on line 5 through "RENEWAL" on line 8

**Insert:** "UNDER CERTAIN CIRCUMSTANCES"

3. Page 1, line 17.

**Following:** "(b)"

**Insert:** "except as provided in [section 2],"

4. Page 1, line 17 through line 19.

**Strike:** "that" on line 17 through "renewal" on line 19

5. Page 2, following line 1.

**Insert:** "NEW SECTION. **Section 2. Limitation on midterm premium increases or decreases.** In any case involving property or casualty insurance that is subject to this part, if the insured has prepaid the premium for the insurance policy for a specified period, the insurer may not unilaterally increase or decrease the rate charged or decrease the coverage provided for the period for which the premium has been paid unless there is a change in risk during that period that is attributable to an act of the insured or the risk to be insured was misrepresented by the insured. This section

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does not prohibit the cancellation of a policy for any other reason permitted by the policy or by law during an initial policy period not to exceed 60 days."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 33, chapter 15, part 11, and the provisions of Title 33, chapter 15, part 11, apply to [section 2]."

And, as amended, do pass. Report adopted.

**HB 656**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 675**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/25/2003

**HB 641**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Following:** "(5)"

**Insert:** "(a)"

2. Page 1.

**Following:** line 24

**Insert:** "(b) The term does not include services provided by a transiting carrier."

3. Page 3, line 10.

**Following:** "(1)"

**Insert:** "An originating carrier of interexchange services shall transmit with the originating carrier's telecommunications traffic information necessary to enable the terminating carrier to identify, measure, and appropriately charge the originating carrier for the termination of the interexchange services."

4. Page 3, line 11.

**Following:** "enable the"

**Insert:** "terminating carrier or"

5. Page 3, line 12.

**Following:** "carrier"

**Insert:** "to receive information from the originating carrier in order"

6. Page 3, line 15.

**Following:** "services"

**Strike:** "or" through "carriers"

7. Page 3, line 20 through line 21.

**Strike:** "commission" on line 20

**Insert:** "terminating carrier"

**Following:** "request."

**Strike:** "The" on line 20 through "and the" on line 21

**Insert:** "The"

8. Page 3.

**Following:** line 22

**Insert:** "(4) An originating carrier that delivers local traffic to a terminating carrier, directly or indirectly through a

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transiting carrier, shall, upon request of the terminating carrier, enter into an interconnection agreement with the terminating carrier, as provided in 69-3-831 through 69-3-839.

(5) If an originating carrier refuses to negotiate an interconnection agreement as provided in subsection (4), a terminating carrier may:

(a) refuse to terminate traffic delivered by the originating carrier; or

(b) file a complaint with the commission. The commission may order compensation to the terminating carrier for the terminating services at the same rate charged by the terminating carrier to other originating carriers."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 700**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "PROVIDING" on line 6 through "COSTS;" on line 8

2. Title, line 12.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 5, line 3 through line 10.

**Strike:** subsections (d) and (e) in their entirety

4. Page 8, line 29 through page 9, line 6.

**Strike:** subsections (d) and (e) in their entirety

5. Page 11, line 6 through line 13.

**Strike:** subsections (d) and (e) in their entirety

6. Page 14.

**Following:** line 12

**Insert:** "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

7. Page 14.

**Following:** line 14

**Insert:** "NEW SECTION. Section 11. Retroactive applicability. [Sections 3 and 4] apply retroactively, within the meaning of 1-2-109, to a request for a hearing or an appeal filed on or after January 1, 2003."

And, as amended, do pass. Report adopted.

**HJR 26**, introduced joint resolution, be amended as follows:

1. Page 2, line 17.

**Following:** "Conservation,"

**Insert:** "the Superintendent of Public Instruction, the Commissioner of Higher Education,"

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And, as amended, be adopted and be placed on the consent calendar. Report adopted.

**HJR 30**, be adopted. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 711**, do pass. Report adopted.

2/24/2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/24/2003

**SB 115**, introduced by Mahlum  
**SB 184**, introduced by Butcher  
**SB 205**, introduced by Cobb  
**SB 221**, introduced by Kitzenberg  
**SB 250**, introduced by Kitzenberg  
**SB 253**, introduced by Elliott  
**SB 298**, introduced by F. Thomas  
**SB 307**, introduced by D. Ryan  
**SB 315**, introduced by Schmidt  
**SB 331**, introduced by Squires  
**SB 336**, introduced by Mahlum  
**SB 340**, introduced by Grimes  
**SB 343**, introduced by Laible  
**SB 363**, introduced by McNutt  
**SB 376**, introduced by Elliott  
**SB 377**, introduced by Mahlum  
**SB 380**, introduced by Bales  
**SB 399**, introduced by Bohlinger  
**SB 413**, introduced by Kitzenberg  
**SB 414**, introduced by Pease  
**SB 419**, introduced by McNutt  
**SB 438**, introduced by DePratu

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/24/2003

**SJR 17**, introduced by Tester

**House amendments to Senate bill** concurred in:

2/24/2003

**SB 195**, introduced by Grimes

**House bill** concurred in and returned to the House:

2/25/2003

**HB 108**, introduced by A. Olson

**FIRST READING AND COMMITMENT OF BILLS**

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The following House bills were introduced, read first time, and referred to committees:

**HB 743**, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

**HB 744**, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

Majority Leader Brown moved that the House recess until 12:25 p.m. for caucuses. Motion carried.

House recessed at 12:06 p.m.

House reconvened at 12:26 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 370** - Representative Noennig moved **HB 370** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Andersen, Balyeat, D. Brown, R. Brown, Fuchs, Galvin-Halcro, Hawk, Kasten, Laszloffy, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Waitschies.

Total 22

Excused: None.

Total 0

Absent or not voting: Gillan, Windy Boy.

Total 2

**HB 437** - Representative A. Olson moved **HB 437** do pass.

Representative Harris moved **HB 437**, second reading copy, be amended as follows:

1. Title, line 9 through line 14.

**Following:** "CONSTITUTION;"

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**Strike:** "REQUIRING" on line 9 through "INJUNCTION;" on line 14

2. Title, line 25.

**Strike:** "75-2-211,"

3. Title, line 27.

**Strike:** "75-20-201,"

4. Page 7, line 10.

**Following:** "unabridged"

**Strike:** "-- injunction for permit challenge"

5. Page 7, line 21 through line 23.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

6. Page 7, line 28 through page 13, line 18.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

7. Page 24, line 16 through page 25, line 5.

**Strike:** section 21 in its entirety

**Renumber:** subsequent sections

8. Page 25, line 17 through line 20.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

9. Page 25, line 26.

**Strike:** "-- injunction"

10. Page 26, line 3 through line 6.

**Strike:** subsection (3) in its entirety

11. Page 34, line 24.

**Following:** "venue"

**Strike:** "-- injunction"

12. Page 35, line 2 through line 5.

**Strike:** subsection (3) in its entirety

13. Page 35, line 27.

**Following:** "venue"

**Strike:** "-- injunction"

14. Page 36, line 5 through line 7.

**Strike:** subsection (4) in its entirety

15. Page 36, line 10.

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**Following: "venue"**

**Strike: "-- injunction"**

16. Page 37, line 3 through line 5.

**Strike:** subsection (7) in its entirety

17. Page 38, line 1.

**Strike:** "36"

**Insert:** "34"

18. Page 38, line 3.

**Strike:** "36"

**Insert:** "34"

19. Page 38, line 15.

**Strike:** section 41 in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Smith, Wanzenried, Windy Boy.

Total 38

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

Motion that **HB 437** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bixby, Buzzas, Callahan, Carney, Cohenour, Dickenson, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro,



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Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 493** - Representative Branae moved **HB 493** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 465** - Representative P. Clark moved **HB 465** do pass. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Everett, Fisher, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Andersen, Ballantyne, Branae, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jayne, Jent, Kasten, Kaufmann, Lake, Lenhart, Malcolm, Musgrove, Parker, Ryan, Small-Eastman, Smith, Waitschies, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 357** - Representative Harris moved **HB 357** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Hedges, Jacobson, Jent, Kaufmann, Keane, Lenhart, Maedje, Musgrove, Parker, Ross, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.  
Total 40

Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gillan, Golie, Haines, Hawk, Hurwitz, Jackson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 59

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 302** - Representative Lewis moved **HB 302** do pass.

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 5, line 22.

**Following:** "each"

**Insert:** "enrolled member"

2. Page 5, line 23.

**Following:** "plan."

**Insert:** "The notification must include the cost or savings resulting from each proposed change in plan benefits, the amount of premium change that is the result of profit or loss for the current plan year, and a description of each additional factor increasing or decreasing plan premiums."

3. Page 9, lines 25 and 26.

**Following:** "MAY" on line 25

**Strike:** remainder of line 25 through "contract," on line 26

**Following:** "PERSONNEL" on line 26

**Insert:** "or contract"

4. Page 11, line 8.

**Following:** "auditor"

**Insert:** "and paid for by the plans"

5. Page 11, line 24.

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**Following:** "(1)"

**Strike:** "AND"

**Insert:** ", "

**Following:** "(2)"

**Insert:** ", and any premiums or other income of the plans"

6. Page 14, line 27.

**Strike:** "2004"

**Insert:** "2005"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Bergren, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jayne, Jent, Keane, Lake, Lambert, Laslovich, Lenhart, Morgan, Musgrove, Newman, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Noes: Andersen, Barrett, Becker, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Forrester, Fuchs, Gallik, Gallus, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 7, line 27 through page 8, line 19.

**Strike:** subsections (2) and (3) in their entirety

**Insert:** "

(2) The board consists of seven members appointed to 4-year staggered terms by the governor as follows:

(a) one public school classroom teacher from a first-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(b) one public school classroom teacher from a second-class or third-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(c) one administrator from a first-class elementary or high school district;

(d) one administrator from a second-class or third-class elementary or high school district;

(e) one classified employee; and

(f) two public members.

(3) When a vacancy occurs, the governor shall designate any person meeting the requirements of the vacancy to fill the position."

2. Page 14, line 20.

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**Strike:** "three"  
**Insert:** "two"  
**Strike:** "3-year"  
**Insert:** "2-year"

3. Page 14, line 21.

**Strike:** "three"  
**Insert:** "two"  
**Strike:** "4-year"  
**Insert:** "3-year"

4. Page 14, line 22.

**Strike:** "5-year"  
**Insert:** "4-year"

5. Page 14, line 23.

**Strike:** "5-year"  
**Insert:** "4-year"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Cyr, Dickenson, Dowell, Everett, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Laslovich, Laszloffy, Lenhart, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Parker, Pattison, Peterson, Roberts, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Wagman, Waitschies, Weiss, Wilson, Windy Boy.  
Total 58

Noes: Balyeat, Becker, Bergren, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Devlin, Erickson, Facey, Forrester, Fuchs, Gallik, Gallus, Hedges, Jacobson, Kaufmann, Lambert, Lange, Lawson, Lehman, Lewis, Matthews, Newman, Noennig, A. Olson, B. Olson, Raser, Rice, Ripley, Rome, Ross, Sales, Shockley, Steinbeisser, Stoker, Thomas, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Galvin-Halcro moved **HB 302**, second reading copy, be further amended as follows:

1. Title, page 1, line 17.

**Following:** "PLAN;"

**Insert:** "PROVIDING THAT A DISTRICT THAT PAYS HEALTH BENEFIT CONTRIBUTIONS FOR ALL ELIGIBLE EMPLOYEES IS NOT REQUIRED TO PARTICIPATE IN THE STATEWIDE PUBLIC SCHOOL RISK POOL AND HEALTH BENEFIT PLANS;"

2. Page 5, line 10.

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**Following: "contributions"**

**Insert: "-- exception to participation"**

3. Page 5, line 27.

**Following: "(4)"**

**Strike: "By"**

**Insert: "Except as provided in subsection (17), by"**

4. Page 7, line 24.

**Following: line 23**

**Insert: "(17) A school district that pays health benefit contributions for all eligible employees, regardless of whether the employee or employees participate in the district's health plan, is not required to participate in the statewide public school risk pool and health benefit plans. Proof of a district's payment of contributions and the district's participation requirement must be provided to the board, along with a notice of intent not to participate in the statewide public school risk pool and health benefit plans, on or before May 1, 2004. "**

Amendment **not** adopted as follows:

Ayes: Balyeat, Bergren, Bookout-Reinicke, Buzzas, Callahan, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Keane, Lenhart, McKenney, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson.

Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Excused: None.

Total 0

Absent or not voting: Haines.

Total 1

Motion that **HB 302**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Buzzas, Callahan, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche,

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McKenney, Parker, Raser, Wanzenried, Wilson.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gibson, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Buzzas, Callahan, Carney, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Juneau, Kaufmann, Raser, Wilson.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Becker, Gallus, Hurwitz, Laslovich, Wanzenried.  
Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 441**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

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Noes: Balyeat, Fuchs, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 512**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Bergren, D. Brown, Buzzas, P. Clark, Franklin, Golie, Laszloffy, Sales, Shockley, Smith.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 644**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Facey, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 68

Noes: Balyeat, Buzzas, E. Clark, P. Clark, Devlin, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Hedges, Kasten, Kaufmann, Keane, Lake, Lambert, Laszloffy, Lawson, Mendenhall, Morgan, Newman, Peterson, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Witt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Fisher.

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Total 1

**HB 653**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 411** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Carney, P. Clark, Cyr, Dickenson, Erickson, Facey, Fisher, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Kaufmann, Newman, Raser, Smith, Wanzenried, Weiss, Wilson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 608** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges,



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Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, Devlin, Everett, Fisher, Fuchs, Hawk, Lake, Malcolm, Pattison, Peterson, Sales, Shockley, Steinbeisser, Waitschies, Witt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 647** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/25/2003  
**HB 679**, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman): 2/25/2003  
**HB 630**, introduced bill, be amended as follows:

1. Title, page 1, line 5.  
**Strike:** "\$44,017,000"  
**Insert:** "\$45,292,000"

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2. Page 1, line 17.

**Strike:** "\$44,017,000"

**Insert:** "\$45,292,000"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 685**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** line 4

**Insert:** "CHILD-CARE AGENCY--"

2. Title, page 1, line 6.

**Following:** first "DATE"

**Insert:** ", AN APPLICABILITY DATE,"

3. Page 1, lines 10 through 12.

**Following:** "a" on line 10

**Insert:** "child-care agency--"

**Following:** "include" on line 11

**Strike:** remainder of line 11 through "center" on line 12

**Strike:** "ANB"

**Insert:** "enrollment"

**Following:** "count"

**Insert:** "a student who is under the protective care of a state agency or has been adjudicated by a Montana court to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103, or a student who is required to attend school outside of the district of residence as the result of a placement in foster care or in a group home licensed by the state"

4. Page 1, line 13.

**Following:** line 12

**Insert:** "(1) the child-care agency--residential treatment center is licensed by the state as a youth group home that provides therapeutic services;"

**Renumber:** subsequent subsections

**Following:** "from the" on line 13

**Insert:** "child-care agency--"

5. Page 1, line 14.

**Following:** "in the"

**Insert:** "child-care agency--residential"

6. Page 1, line 15.

**Following:** the first "the"

**Insert:** "child-care agency--"

7. Page 1, line 17.

**Following:** the second "the"

**Insert:** "child-care agency--"

8. Page 1, line 18.

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**Following:** ";

**Insert:** "and"

9. Page 1, lines 19 and 20.

**Strike:** subsection (4) in its entirety

10. Page 1, line 21.

**Following:** the second "the"

**Insert:** "child-care agency--"

11. Page 1, line 27.

**Following:** "date"

**Insert:** "-- applicability"

**Following:** "2003"

**Insert:** ", and applies to school budgets for school fiscal years beginning on or after July 1, 2003"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/25/2003

**HB 524**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROGRAM"

**Strike:** "OPERATED" through "CENTER"

**Insert:** "THAT ACCEPTS PUBLIC FUNDING"

2. Page 5, line 26 through line 27.

**Following:** "a program"

**Strike:** remainder of line 26 through "to" on line 27

**Insert:** "that provides treatment, rehabilitation, and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational functions of a"

**Following:** "youth" on line 27

**Insert:** "and"

3. Page 5, line 29.

**Following:** "services;"

**Insert:** "and"

4. Page 5, line 30.

**Strike:** subsection (iii) in its entirety

**Renumber:** subsequent subsections

5. Page 6, line 1.

**Strike:** "."

**Insert:** "."

6. Page 6, line 2 through line 3.

**Strike:** subsections (v) and (vi) in their entirety

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7. Page 7, line 16.

**Strike:** "Extension" through "to"

**Insert:** "Licensure of"

8. Page 7, line 17 and line 18.

**Following:** "programs"

**Insert:** "-- exemption"

**Following:** "program" on line 17

**Strike:** remainder of line 17 through the second "center" on line 18

**Insert:** "that accepts public funding"

9. Page 7, line 19.

**Following:** "program"

**Strike:** "for youth that is not operated by a licensed mental health center and"

And, as amended, do pass. Report adopted.

**HB 542**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "the"

**Insert:** "therapeutic"

2. Page 2, line 6.

**Following:** "psychological."

**Insert:** "or"

**Following:** "neurological"

**Strike:** ", or orthopedic"

3. Page 3, line 3.

**Following:** "section"

**Insert:** ", "

4. Page 3, line 4.

**Strike:** "occupations"

**Insert:** "purposeful goal-directed activity"

5. Page 4, line 2.

**Strike:** "A"

**Insert:** "(1) Except as provided in subsection (2), a"

6. Page 4, line 4.

**Strike:** "(1)"

**Insert:** "(a)"

7. Page 4, line 5.

**Strike:** "(2)"

**Insert:** "(b)"

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8. Page 4, line 6.

**Following:** "~~hand~~"

**Insert:** "upper extremity"

9. Page 4, line 7.

**Strike:** "(3) (a)"

**Insert:** "(c) (i)"

10. Page 4, line 10.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "treatments"

**Strike:** "with" on line 10

**Insert:** "under the direct supervision of"

11. Page 4, line 12.

**Strike:** "with"

**Insert:** "under the direct supervision of"

12. Page 4, line 14.

**Following:** line 13

**Insert:** "(2) A certified occupational therapy assistant who works under the direct supervision of a qualified occupational therapist may apply deep physical agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand."

And, as amended, do pass. Report adopted.

**HB 659**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "PENALIZING"

**Insert:** "REQUIRING REPAYMENT FROM"

**Strike:** "PUBLIC"

**Insert:** "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE"

2. Page 1, line 14.

**Following:** "(2)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (3), a"

**Strike:** "public assistance"

**Insert:** "temporary assistance for needy families cash assistance or childcare assistance, or both,"

**Strike:** "penalized in"

**Insert:** "required to pay"

3. Page 1, line 15.

**Strike:** "public assistance"

**Insert:** "temporary assistance for needy families cash assistance or childcare assistance"

4. Page 1, line 16.

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**Strike:** "program, except as"

**Insert:** "programs, provided that the error in any month does not exceed 150% of the recipient's monthly benefit amount. If the error exceeds 150% of the recipient's monthly benefit amount, the department may attempt to recover or reduce future benefits to recover the amount paid in excess of 150% of the monthly benefit amount. The department may not attempt to recover any excess payments covering a period of more than 3 months. The department may attempt to recover any payments"

And, as amended, do pass. Report adopted.

**HB 681**, introduced bill, be amended as follows:

1. Page 2, line 4.

**Strike:** "medications"

**Insert:** "drugs, as defined in 37-7-701,"

2. Page 2, line 6.

**Strike:** "medications"

**Insert:** "drugs"

3. Page 4, line 10.

**Strike:** "medications"

**Insert:** "drugs"

**Strike:** "medication"

And, as amended, do pass. Report adopted.

**HJR 31**, introduced joint resolution, be amended as follows:

1. Title, line 5.

**Strike:** "AUTHORIZING"

**Insert:** "ENCOURAGING"

2. Page 1, line 27.

**Strike:** "authorized"

**Insert:** "encouraged"

3. Page 2, line 7.

**Insert:** "BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services be encouraged to develop innovative programs in tribal communities."

And, as amended, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/25/2003

**HB 141**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "Except" through "a"

**Insert:** "A"

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2. Page 1, line 18.

**Strike:** "2 years"

**Insert:** "1 year"

3. Page 1, line 20 through page 2, line 2.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**HB 295**, introduced bill, be amended as follows:

1. Page 1, line 18 through line 23.

**Strike:** subsections (a) through (d) in their entirety

**Insert:** "(a) has an alcohol concentration of 0.30 or higher; or"

(b) was convicted within the last 10 years of both of the following offenses arising out of the same transaction:

(i) driving under the influence of alcohol, drugs, or a combination of alcohol and drugs; and

(ii) either negligent homicide or criminal endangerment and given a sentence making the offense a felony.

And, as amended, do pass. Report adopted.

**HB 553**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Following:** "ACT" on line 4

**Insert:** "REVISING THE LAWS GOVERNING THE TREATMENT OF ANIMALS;"

**Following:** "PROVIDING FOR" on line 4

**Strike:** remainder of line 4 through "FOR" on line 5

**Insert:** "A CIVIL HEARING CONCERNING THE"

**Strike:** "CONVICTED OF"

**Insert:** "CHARGED WITH"

2. Title, line 6.

**Strike:** "DEFINING"

**Insert:** "CREATING THE OFFENSE OF"

3. Title, lines 7 and 8.

**Following:** "PRACTICES;" on line 7

**Strike:** remainder of line 7 through "VETERINARIANS;" on line 8

4. Page 1, lines 12 through 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 1, line 21.

**Following:** "tormenting,"

**Insert:** "torturing,"

6. Page 1, lines 25 through 27.

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**Strike:** "species-specific" on line 25

**Following:** "food" on line 25

**Insert:** "and water"

**Strike:** "allow for" on line 25

**Insert:** "sustain the animal's"

**Following:** "normal" on line 25

**Strike:** remainder of line 25 through "council." on line 27

**Insert:** "health;"

7. Page 1, line 28 through line 29.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

8. Page 1, line 30.

**Strike:** "or a constructed shelter to protect"

**Insert:** "for"

9. Page 2, lines 1 and 2.

**Strike:** "including extreme heat or cold and wind or precipitation." on line 1

**Following:** "given to" on line 1

**Insert:** "the"

**Following:** "species" on line 1

**Strike:** remainder of line 1 through "composition" on line 2

10. Page 2, lines 3 and 4.

**Strike:** subsection (iv) in its entirety

**Renumber:** subsequent subsection

11. Page 2, line 16.

**Strike:** "(i)"

12. Page 2, lines 19 and 20.

**Strike:** subsection (ii) in its entirety

13. Page 2, line 25.

**Following:** "including"

**Insert:** "reasonable"

14. Page 2, lines 29 and 30.

**Strike:** "The" on line 29 through "shown" on line 30

**Insert:** "This section does not prohibit"

15. Page 3, line 7.

**Strike:** "or"

16. Page 3, lines 8 and 9.

**Following:** "activities" on line 8

**Strike:** remainder of line 8 through "shooting" on line 9



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**Insert:** "; or (i) accepted training and discipline methods"

17. Page 3, line 10 through line 29.

**Strike:** subsections (5) through (7) in their entirety

18. Page 3, line 30.

**Insert:** "NEW SECTION. Section 2. Aggravated animal cruelty. A person commits the offense of aggravated animal cruelty if the person:

(1) purposely or knowingly kills an animal with the purpose of terrifying, torturing, or mutilating the animal;

or

(2) inflicts cruelty to animals on a collection, kennel, or herd of 10 or more animals."

**Insert:** "NEW SECTION. Section 3. Animal welfare hearing. (1) When an animal is seized from a person pursuant to an arrest for an alleged violation of 45-8-211 or [section 2], the prosecutor may file petition for an animal welfare hearing in district court in the county where the arrest was made.

(2) The petition must contain:

(a) the purported facts regarding animal neglect and the current condition of the animal;

(b) any facts demonstrating the animal's extreme disease, injury, or suffering, if applicable; and

(c) the name and address of the respondent.

(3) If the court finds probable cause that the animal exhibits extreme disease, injury, or suffering, the court shall set the matter for hearing not more than 10 days after the petition was filed with the clerk of court. Otherwise, the court shall set the matter for hearing not more than 30 days after the petition was filed.

(4) At the hearing, the court may consider the following factors:

(a) the propriety of returning the animal to the owner given the alleged facts regarding abuse or neglect;

(b) the extent of the animal's disease, injury, or suffering, if applicable;

(c) the likelihood of viable treatment of the animal's condition, if applicable, based upon available veterinary testimony; and

(d) the availability of funding to provide for the animal's treatment, shelter, and care.

(5) Upon consideration of the factors listed in subsection (4), the court may order any of the following:

(a) immediate release of the animal to the owner;

(b) imposition of a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days from the date of seizure; or

(c) euthanization of severely diseased, injured, or suffering animals.

(6) A hearing pursuant to this section does not constitute an adjudication with regard to charges filed under 45-8-211 or [section 2]."

**Renumber:** subsequent section

19. Page 2, line 1.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "1"

**Insert:** "2"

20. Page 4, line 2.

**Strike:** "1"

**Insert:** "2"

21. Page 4, line 3.

**Following:** line 2

**Insert:** "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 1, part 4, and the provisions of

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Title 27, chapter 1, part 4, apply to [section 3]."

And, as amended, do pass. Report adopted.

**HB 667**, introduced bill, be amended as follows:

1. Page 5, line 5.

**Following:** "not"

**Insert:** "purposely or knowingly"

And, as amended, do pass. Report adopted.

**HB 695**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "NONECONOMIC" on line 5 through "AND" on line 6

2. Title, page 1, line 7.

**Following:** "ACTION"

**Insert:** "TEACHING IN A FIELD OR PRACTICING"

3. Page 1, line 11 through line 23.

**Strike:** lines 11 through 23 in their entirety

4. Page 1, line 27 through line 28.

**Strike:** "--" on line 27 through "care" on line 28

5. Page 1, line 29 through page 2, line 3.

**Strike:** ":" on page 1, line 29 through "(b)" on page 2, line 3

**Insert:** ", "

6. Page 2, line 5.

**Strike:** "practice time in a practice"

**Insert:** "time practicing or teaching in a field"

7. Page 2, line 7 through line 13.

**Strike:** "the" on line 7 through ""Health" on line 13

**Insert:** ""health"

8. Page 2, line 15 through line 17.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 697**, do pass. Report adopted.

**HB 733**, introduced bill, be amended as follows:

1. Page 1, line 4.

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**Strike:** "20"  
**Insert:** "4"

2. Page 1, line 19.  
**Strike:** "20"  
**Insert:** "4"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 545**, introduced bill, be amended as follows:

2/25/2003

1. Page 3, line 15.  
**Strike:** "\$10"  
**Insert:** "\$25"

2. Page 3, line 16.  
**Strike:** "\$30"  
**Insert:** "\$100"

3. Page 3, line 19.  
**Strike:** "\$10"  
**Insert:** "\$25"

4. Page 3, line 20.  
**Strike:** "\$30"  
**Insert:** "\$100"

And, as amended, do pass. Report adopted.

**HB 617**, do pass. Report adopted.  
**HB 669**, do pass. Report adopted.  
**HB 709**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/25/2003

**HB 602**, do pass. Report adopted.  
**HB 651**, do pass. Report adopted.  
**HB 662**, do pass. Report adopted.  
**HB 686**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 719**, do pass. Report adopted.  
**HB 734**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HJR 25**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**MOTIONS**

Representative R. Brown moved **HB 726** be taken from the Committee on Human Services and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

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Representative R. Brown moved **HB 405** be taken from the Committee on Natural Resources and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 216** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 629** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative Lindeen moved **HB 380** be taken from the Committee on Natural Resources and be placed on second reading Legislative Day 43. Motion (requiring a 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 55

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Maedje moved **HB 258** be taken from the Committee on Local Government and be rereferred to the Committee on Appropriations.

Representative Cohenour moved to table previous motion on **HB 258**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, Malcolm, McKenney, Mendenhall, Musgrove, Newman, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Schrumpf, Shockley, Small-Eastman, Smith, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Barrett, Becker, Brueggeman, Devlin, Forrester, Gallus, Galvin-Halcro, Golie, Hedges, Jackson, Keane, Lambert, Lange, Lehman, Lenhart, Maedje, Matthews, Morgan, Noennig, B. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wilson.

Total 31

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**UNFINISHED BUSINESS**

February 25, 2003

The Honorable Dave Wanzenried  
House Minority Leader  
State Capitol Building  
Helena, MT

Dear Representative Wanzenried:

Yesterday you asked me what the intentions of the majority are with regard to HB 74. The answer very quickly becomes enigmatic.

It is now apparent to everyone that the vast majority of House Democrats are not, under any circumstances, going to support using the Coal Tax Trust Fund. That being the case, I find myself for the first time this session, asking you to do something and then to get back to me.

Since your caucus finds itself unable to support any use of the Coal Tax Trust Fund, I would ask you, upon return from the coming transmittal break, to meet with me and present your proposals for balancing the 2004-2005 budget. Please provide me with appropriate specifics as to what budget reductions you would recommend, and what revenue enhancements (taxes, transfers, etc.) you would also recommend.

My understanding of a reasonable compromise is as follows: If I take a position at the number one and you take a position at the number ten, the complete compromise is found around five and one-half, not nine and not two.

To return to your original question, what happens to Representative Lewis' HB 74 depends to a large degree upon the quality of your upcoming proposals. HB 74 may be gone, or it could return. I do not know.

I look forward to meeting with you after the transmittal break.

Sincerely,

Doug Mood  
Speaker of the House

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**SPECIAL ORDERS OF THE DAY**

The following cosponsor was **deleted** from **HB 465**: Tester.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Wednesday, February 26, 2003. Motion carried.

House adjourned at 3:27 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 26, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Ballantyne. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke, Lange, and Sinrud, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/26/2003

Correctly printed: **HB 494, HB 602, HB 617, HB 651, HB 656, HB 662, HB 669, HB 675, HB 679, HB 686, HB 697, HB 709, HB 711, HB 719, HB 734, HJR 25, HJR 30.**

Correctly engrossed: **HB 141, HB 205, HB 289, HB 295, HB 302, HB 524, HB 542, HB 545, HB 553, HB 564, HB 588, HB 630, HB 641, HB 659, HB 667, HB 681, HB 685, HB 695, HB 700, HB 701, HB 703, HB 733, HJR 31.**

Correctly enrolled: **HB 108.**

Examined by the sponsor and found to be correct: **HB 108.**

Signed by the Speaker at 4:45 p.m., February 25, 2003: **HB 108.**

Delivered to the Governor for approval at 3:15 p.m., February 25, 2003: **HB 181, HB 311.**

**APPROPRIATIONS** (Lewis, Chairman): 2/26/2003

**HB 120**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "WHO"

**Insert:** "is a county employee and who"

And, as amended, do pass. Report adopted.

**HB 249**, do pass. Report adopted.

**HB 554**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "The"

**Insert:** "(1) Except as provided in subsection (2), the"

2. Page 1, line 18.

**Strike:** "(1)"

**Insert:** "(a)"

3. Page 1, line 19.

**Strike:** "(2)"

**Insert:** "(b)"

4. Page 1, line 20.

**Strike:** "(3)"

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**Insert:** "(c)"

5. Page 1, line 22.

**Strike:** "(4)"

**Insert:** "(d)"

6. Page 1, line 23.

**Strike:** "(5)"

**Insert:** "(e)"

7. Page 1, line 24.

**Strike:** "(6)"

**Insert:** "(f)"

8. Page 1, line 26.

**Strike:** "(7)"

**Insert:** "(g)"

9. Page 1, line 8.

**Strike:** "(8)"

**Insert:** "(h)"

10. Page 2.

**Following:** line 13

**Insert:** "(2)(a) Subject to the conditions of this part, the department shall give priority to grant requests, not to exceed a total of \$200,000 for the biennium, from the board of oil and gas conservation. The board of oil and gas conservation shall use a grant that received priority under this subsection (2)(a) for oil and gas reclamation projects. The board may use a maximum of 2.5% of the amount of a grant for administrative costs associated with implementing the projects covered in the grant.

(b) Any unobligated fund balance of a grant that received priority under subsection (2)(a) remaining at the end of the current biennium must be included as part of the \$600,000 limitation for the next biennium.

(c) The priority given to the board of oil and gas conservation under subsection (2)(a) does not preclude the board of oil and gas conservation from submitting additional grant requests. The department shall evaluate additional grant requests from the board of oil and gas conservation in accordance with the provisions of subsection (1)."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/25/2003

**HB 599**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "CONDUCTED"

**Insert:** "BY A POLITICAL SUBDIVISION"

2. Page 4, line 15.

**Following:** "election"

**Insert:** "of a political subdivision"

And, as amended, do pass. Report adopted.

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**HB 680**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "be"

**Insert:** "legibly"

**Following:** "typeface"

**Insert:** ", not including the signature,"

2. Page 1, line 16.

**Strike:** "legal"

**Following:** "first"

**Insert:** "or second"

3. Page 1, line 19 through line 27.

**Strike:** "(i)" on line 19 through ";" on line 27

**Insert:** "(i) the county, a lot, tract, or parcel designation, and the number of a filed certificate of survey;

(ii) the county, a lot and block designation, and the name or number of a filed subdivision plat;

(iii) the county, a lot, tract, or parcel designation, and the number of a filed corner recordation plat; or

(iv) the county and the section, township, and range, all of which must be spelled out in full, and one of the following:

(A) an aliquot parts description of the property; or

(B) a metes and bounds description of the perimeter boundary, but only if the property has previously been transferred by a recorded document containing the same description and that description has not been superseded by one of the filed survey documents provided for in subsections (1)(c)(i) through (1)(c)(iii);"

4. Page 1, line 30.

**Following:** "(i)"

**Insert:** "at least"

**Following:** the first "and"

**Insert:** "at least"

5. Page 2, line 2.

**Following:** "(ii)"

**Insert:** "at least"

6. Page 2, line 4.

**Following:** "submitted"

**Insert:** "and may include legibly printed or typed transactional information"

7. Page 2, line 10.

**Strike:** "notarized"

**Insert:** "acknowledged"

8. Page 2, line 25.

**Following:** "7-4-2631"

**Insert:** "and subsection (2) of this section"

9. Page 2, line 27.

**Strike:** "\$25"

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**Insert:** "\$10"

10. Page 2, line 28.

**Following:** the second "page"

**Insert:** "for the first five pages or fractions of the pages and \$6 for each subsequent page"

11. Page 3, line 1.

**Following:** "7-4-2632"

**Insert:** "and [section 3(2)]"

12. Page 3, line 30.

**Strike:** ".,"

**Insert:** ".,"

13. Page 4, lines 1 and 2.

**Strike:** subsection (o) in its entirety

14. Page 4, lines 3 and 4.

**Strike:** "[section]" on line 3 through "or" on line 4

And, as amended, do pass. Report adopted.

**HB 687**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** ";;"

**Insert:** "PROVIDING CONTINGENT VOIDNESS;"

2. Page 1.

**Following:** line 20

**Insert:** "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 206 is not passed and approved, then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 731**, introduced bill, be amended as follows:

1. Page 2, line 17.

**Strike:** ", but no more than 65 years of age,"

2. Page 2, line 18.

**Following:** "service"

**Insert:** "up to 30 total years of service"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HJR 28**, introduced joint resolution, be amended as follows:

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1. Title, page 1, line 6.

**Strike:** "AND LOCAL GOVERNMENT ENTITIES"

**Insert:** "AGENCIES"

2. Page 1, line 10.

**Strike:** "local governments and"

3. Page 1, line 13.

**Following:** "industry,"

**Insert:** "and"

4. Page 1, line 14.

**Strike:** ", and local governments"

5. Page 1, line 24.

**Strike:** the second "and"

6. Page 1, line 25.

**Strike:** "local government entities"

**Insert:** "agencies"

7. Page 1, line 30 through page 2, line 1.

**Strike:** "county" on page 1, line 30 through "districts," on page 2, line 1

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/25/2003

**SB 192**, introduced by O'Neil

**SB 270**, introduced by Harrington

**SB 287**, introduced by Sprague

**SB 304**, introduced by Johnson

**SB 321**, introduced by Laible

**SB 339**, introduced by Cooney

**SB 389**, introduced by McGee

**SB 401**, introduced by Wheat

**SB 406**, introduced by McGee

**SB 416**, introduced by Barkus

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 76**, introduced by Schmidt (by request of the Office of Public Instruction), referred to Education.

**SB 77**, introduced by Johnson (by request of the Transition Advisory Committee on Electric Utility Industry Restructuring), referred to Federal Relations, Energy, and Telecommunications.

**SB 78**, introduced by McCarthy (by request of the Department of Natural Resources and Conservation), referred to

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Natural Resources.

**SB 79**, introduced by Sprague, referred to State Administration.

**SB 80**, introduced by Laible (by request of the Legislative Council), referred to State Administration.

**SB 81**, introduced by Cooney (by request of the Office of Public Instruction), referred to State Administration.

**SB 82**, introduced by Kitzenberg, referred to Taxation.

**SB 83**, introduced by McGee (by request of the Department of Transportation), referred to Transportation.

**SB 84**, introduced by Cocchiarella (by request of the Revenue and Transportation Interim Committee), referred to Natural Resources.

**SB 85**, introduced by Cocchiarella (by request of the Legislative Council), referred to State Administration.

**SB 86**, introduced by Zook (by request of the Office of Budget and Program Planning), referred to Appropriations.

**SB 87**, introduced by Hansen, referred to Agriculture.

**SB 88**, introduced by Bales (by request of the Department of Natural Resources and Conservation), referred to Federal Relations, Energy, and Telecommunications.

**SB 94**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 95**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 97**, introduced by Story (by request of the Office of Public Instruction), referred to Local Government.

**SB 98**, introduced by Mangan, referred to Local Government.

**SB 363**, introduced by McNutt, Mendenhall, A. Olson, referred to Business and Labor.

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 8:30 a.m. All members present, except Representatives Bookout-Reinicke and Sinrud, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Mood in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:.

**HB 583** - Representative R. Brown moved **HB 583** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Erickson, Everett, Facey, Forrester, Gallik, Gallus, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 60

Noes: Ballantyne, Balyeat, Bergren, Bixby, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Franklin, Fritz, Fuchs, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried,

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Wilson, Windy Boy.  
Total 39

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 482** - Representative Forrester moved **HB 482** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Fisher, Laszloffy.  
Total 3

Majority Leader R. Brown assumed the chair.

**HB 571** - Representative Parker moved **HB 571** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Jayne, Sales, Sinrud.

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Total 4

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**HB 693** - Representative Younkin moved consideration of **HB 693** be placed at the bottom of the second reading board. Motion carried.

**HB 540** - Representative Gallik moved **HB 540** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 77

Noes: Andersen, Barrett, Devlin, Everett, Hawk, Jackson, Lambert, Lange, Laszloffy, Lehman, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Mr. Speaker.

Total 23

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 113** - Representative Younkin moved consideration of **HB 113** be passed for the day. Motion carried.

**HB 127** - Representative Fritz moved **HB 127** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

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Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.  
Total 0

Absent or not voting: Laszloffy, Schrumpf.  
Total 2

**HB 431** - Representative Lawson moved **HB 431** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 91

Noes: Balyeat, Fisher, Jayne, Kasten, Pattison, Sales, Sinrud.  
Total 7

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Gillan, Mr. Speaker.  
Total 2

**HB 460** - Representative Morgan moved **HB 460** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Roberts, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 47

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Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 468** - Representative Gillan moved **HB 468** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Morgan.

Total 1

**HB 467** - Representative Barrett moved **HB 467** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

**HB 481** - Representative Lewis moved **HB 481** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Everett, Fuchs, Hawk, Malcolm, Sales.

Total 6

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Jayne, Maedje.

Total 2

**HB 506** - Representative Erickson moved **HB 506** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Jacobson, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss.

Total 40

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Galvin-Halcro, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 60

Voted Absentee: Bookout-Reinicke, Sinrud, Noes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Sinrud present at this time.

**HB 509** - Representative A. Olson moved **HB 509** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Brueggeman, Kasten, Lewis, Mendenhall, Pattison, Sales.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester, Fritz.

Total 2

**HB 518** - Representative Lindeen moved **HB 518** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 92

Noes: Kasten, Lambert, Sales.

Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Dowell, Juneau, Laszloffy, Mr. Speaker.

Total 5

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**HB 523** - Representative Younkin moved consideration of **HB 523** be placed at the bottom of the second reading board. Motion carried.

**HB 529** - Representative Kaufmann moved **HB 529** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, Morgan, Musgrove, Newman, Parker, Raser, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Windy Boy.

Total 45

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609** - Representative Windy Boy moved **HB 609** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Cohenour, Fisher, Maedje.

Total 3

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**HB 640** - Representative Haines moved **HB 640** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Newman, Parker, Ryan, Small-Eastman, Smith, Weiss, Wilson, Windy Boy.  
Total 38

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

**HB 648** - Representative Younkin moved **HB 648** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Lawson, Steinbeisser, Stoker.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 660** - Representative Buzzas moved **HB 660** do pass.

Representative Buzzas moved **HB 660**, second reading copy, be amended as follows:

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1. Page 1, line 23.

**Following:** "(4)"

**Insert:** "(a)"

2. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) A retailer that accepts the return of a keg that does not have an identification label or tag attached shall obtain the information required in [section 2] on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 90 days from the date of return."

3. Page 2, line 21.

**Following:** "purchaser of"

**Insert:** "or person returning"

4. Page 2, line 25.

**Following:** line 24

**Insert:** "(4) A retailer that accepts a keg for return that does not have an identification label or tag attached and that records the information required, as provided in [section 1(4)(b)], may not be considered to have violated subsection (2) or (3)."

Representative Wagman moved to segregate section 2 from the amendment. Motion **failed** as follows:

Ayes: Balyeat, Brueggeman, Fuchs, Hedges, Jackson, Laszloffy, Mendenhall, Ripley, Shockley, Sinrud, Wagman, Younkin.

Total 12

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 87

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman,

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Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, D. Brown, P. Clark, Fuchs, Jackson, Kasten, Malcolm, Mendenhall, Ripley, Sales, Wagman.  
Total 11

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **HB 660**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Barrett, D. Brown, Cyr, Fuchs, Hawk, Hurwitz, Jackson, Kasten, Lehman, Maedje, Malcolm, Rice, Ripley, Roberts, Rome, Ross, Steinbeisser.  
Total 17

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 673** - Representative Peterson moved **HB 673** do pass.

Representative Peterson moved **HB 673**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "THE"

**Strike:** "COMMISSION"

**Insert:** "DEPARTMENT"

2. Page 2, line 4.

**Strike:** "commission"

**Insert:** "department"

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3. Page 2, line 5.

**Following:** "comment"

**Insert:** ". The commission shall consider the public comment"

4. Page 4, line 3.

**Strike:** "commission"

**Insert:** "department"

5. Page 4, line 4.

**Following:** "comment"

**Insert:** ". The commission shall consider the public comment"

Amendment adopted as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bergren, Buzzas, Callahan, Dickenson, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Smith.

Total 13

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Andersen, Cyr, Windy Boy.

Total 3

Motion that **HB 673**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Lenhart, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 39

Voted Absentee: Bookout-Reinicke, Aye.

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Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**HB 689** - Representative A. Olson moved **HB 689** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Harris, Kaufmann, Wanzenried.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 710** - Representative Raser moved **HB 710** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Devlin, Hawk, Lewis, Pattison, Ripley, Sales, Sinrud, Steinbeisser.  
Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**HB 693** - Representative Sinrud moved **HB 693** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Callahan, Erickson, Everett, Fritz, Fuchs, Gutsche, Harris, Jayne, Peterson, Ross, Sales, Shockley, Smith, Windy Boy, Witt.  
Total 16

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 523** - Representative Balyeat moved **HB 523** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Matthews, Mendenhall, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Stoker, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.  
Total 66

Noes: Bergren, Bixby, Callahan, E. Clark, Cohenour, Devlin, Fisher, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Jayne, Jent, Lambert, Lange, Laszloffy, Lewis, Lindeen, Maedje, Malcolm, McKenney, Morgan, Musgrove, B. Olson, Ross, Small-Eastman, Steinbeisser, Thomas, Waitschies, Weiss, Witt, Mr. Speaker.  
Total 34

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Speaker Mood moved the committee rise, report progress, and beg leave to sit again. Motion carried.

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Speaker Mood moved that the House recess until 2:35 p.m. for caucuses. Motion carried.

House recessed at 2:10 p.m.

House reconvened at 2:35 p.m. All members present except Representative Bookout-Reinicke. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/26/2003  
Delivered to the Governor for approval at 11:30 a.m., February 26, 2003: **HB 108**.

**AGRICULTURE** (Rice, Chairman): 2/26/2003  
**HB 676**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Following:** "modification"

**Insert:** "that results in a change in the state"

And, as amended, do pass. Report adopted.

**HB 677**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Strike:** "regardless of the maximum cost for"

**Insert:** "if"

**Following:** "restoration"

**Insert:** "does not exceed \$7,000"

2. Page 3, line 16.

**Following:** "3-10-301"

**Insert:** "if the amount of liability does not exceed \$7,000"

**Following:** "    "

**Insert:** "If the amount of liability for restoration exceeds \$7,000, then the action must be brought in district court."

And, as amended, do pass. Report adopted.

**HB 678**, do pass. Report adopted.

**HB 683**, do pass. Report adopted.

**HB 720**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "30 DAYS"

**Insert:** "THE TIME PERIOD SPECIFIED BY DEPARTMENT RULE"

2. Page 1, line 20.

**Following:** "rules"

**Insert:** "establishing a timeframe within which the department is required to issue its decision on whether an application is correct and complete and rules"

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3. Page 1, line 28.

**Strike:** "30 days"

**Insert:** "the timeframe established by rule pursuant to subsection (2)"

4. Page 1, line 30.

**Strike:** "30 days"

**Insert:** "the timeframe established by rule pursuant to subsection (2)"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):  
**HB 100**, introduced bill, be amended as follows:

2/26/2003

1. Title, line 18.

**Strike:** "IMMEDIATE"

2. Page 3, line 13 through line 14.

**Following:** "whether" on line 13

**Strike:** remainder of line 13 through first "state" on line 14

**Insert:** "taken in Montana or outside"

3. Page 4, line 10 through line 11.

**Following:** "whether" on line 10

**Strike:** remainder of line 10 through first "state" on line 11

**Insert:** "taken in Montana or outside"

4. Page 5, line 16.

**Following:** "plus"

**Strike:** "50 cents"

**Insert:** "\$40"

**Following:** "additional"

**Insert:** "160 acres and any fraction of 160 acres"

5. Page 5, line 17.

**Following:** "~~thereof~~"

**Strike:** "acre"

6. Page 5, line 22.

**Following:** "~~turkeys,~~"

**Insert:** "Merriam's turkeys,"

7. Page 5, line 24.

**Following:** "birds"

**Strike:** "of each species to be hunted on a"

**Insert:** "cumulative of all species authorized for an individual"

8. Page 6, line 5.

**Strike:** "[the effective date of this act]"

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**Insert:** "July 1, 2003,"

9. Page 6, line 7 through line 8.

**Following:** "after" on line 7

**Strike:** remainder of line 7 through "act" on line 8

**Insert:** "July 1, 2003,"

10. Page 7, line 3.

**Following:** "effective"

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

**HB 241**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "BIRD"

**Insert:** "RELEASES AND"

2. Title, line 12.

**Following:** "TERMINATION;"

**Insert:** "INCREASING THE PERCENTAGE OF MONEY GENERATED FROM CERTAIN HUNTING LICENSES THAT IS AVAILABLE FOR UPLAND GAME BIRD ACTIVITIES; REDUCING THE PERCENTAGE OF MONEY REQUIRED TO BE SET ASIDE EACH FISCAL YEAR FOR BIRD RELEASE EXPENDITURES;"

3. Page 1, line 19.

**Strike:** "3"

**Insert:** "2"

4. Page 1, line 23.

**Strike:** "3-year"

**Insert:** "2-year"

5. Page 1, line 24.

**Following:** "assess all"

**Insert:** "upland game bird releases and"

6. Page 1, line 29.

**Following:** "modification of"

**Insert:** "upland game bird releases or"

7. Page 1, line 30.

**Following:** "termination of"

**Insert:** "upland game bird releases or"

8. Page 2, line 7.

**Following:** "spent on"

**Insert:** "new"

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9. Page 2, line 25.

**Strike:** "15% "

**Insert:** "20% "

10. Page 2, line 26.

**Following:** "department to"

**Insert:** ":

(a) prepare and disseminate information to landowners and organizations concerning the upland game bird enhancement program;

(b) review potential upland game bird release sites;

(c) assist applicants in preparing management plans for project areas; and"

11. Page 3, line 1.

**Following:** "~~(d)~~"

**Insert:** "(d)"

**Following:** "assess"

**Insert:** "upland game bird releases and"

12. Page 3, line 6.

**Strike:** "15% "

**Insert:** "10% "

13. Page 5, line 16.

**Following:** "bird"

**Insert:** "release and"

And, as amended, do pass. Report adopted.

**HB 352**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "must be"

**Insert:** "a person who has purchased a Montana hunting or fishing license in each of the 10 years prior to appointment and who is"

2. Page 1, line 17.

**Strike:** "or a licensed outfitter"

And, as amended, do pass. Report adopted.

**HB 486**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ARE CERTIFIED AS FREE OF"

**Insert:** "TEST NEGATIVE FROM A CERTIFIED LABORATORY FOR"

2. Page 1, line 25.

**Following:** "confirmed,"

**Insert:** "as identified by the department,"

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3. Page 1, line 26.

**Following:** "have been"

**Strike:** "certified, in writing, as"

**Insert:** "tested by a certified laboratory and found to be"

4. Page 1, line 27.

**Strike:** "Certification"

**Insert:** "Certified laboratory reports"

**Following:** "must be"

**Strike:** "accomplished"

**Insert:** "obtained"

5. Page 1, line 28.

**Following:** "by a"

**Insert:** "United States department of agriculture"

6. Page 1, line 28 through line 29.

**Following:** "laboratory" on line 28

**Strike:** remainder of line 28 through "perform" on line 29

**Insert:** "or other accredited laboratory that performs"

7. Page 2, line 8.

**Following:** "been"

**Insert:** "tested by a"

**Following:** "certified"

**Strike:** ", "

**Insert:** "laboratory"

8. Page 2, line 9.

**Strike:** "in writing, as"

**Insert:** "and found to be"

And, as amended, do pass. Report adopted.

**HB 558**, introduced bill, be amended as follows:

1. Title, line 12.

**Strike:** "CALENDAR"

**Insert:** "FISCAL"

2. Title, line 15.

**Following:** "PROVIDING A"

**Strike:** "DELAYED"

3. Page 2, line 19.

**Strike:** "calendar"

**Insert:** "fiscal"

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4. Page 3, line 7.

**Following:** "effective"

**Strike:** "January 1, 2004"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

**HB 598**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "PARKS TO"

**Strike:** "CONTRACT WITH A PRIVATE ENTITY"

**Insert:** "SOLICIT BIDS"

2. Title, line 8.

**Following:** "PUBLICATION OF"

**Strike:** "GENERAL ORDERS,"

**Insert:** "HUNTING, FISHING, AND TRAPPING"

**Following:** "RULES"

**Strike:** ", "

3. Title, line 10.

**Following:** "PUBLICATION OF"

**Strike:** "GENERAL ORDERS,"

**Insert:** "HUNTING, FISHING, AND TRAPPING"

**Following:** "RULES"

**Strike:** ", "

4. Title, line 12 through line 13.

**Following:** "STATE;" on line 12

**Strike:** remainder of line 12 through "PRINTING;" on line 14

**Insert:** "REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES GOVERNING  
THE POSTING AND PUBLICATION OF ALL GENERAL RULES, REGULATIONS, AND ORDERS;"

5. Title, line 13 through line 14.

**Following:** "AMENDING" on line 13

**Strike:** remainder of line 13 through "18-7-101 AND" on line 14

**Insert:** "SECTION"

6. Page 1, line 18 through page 2, line 1.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 2, line 6 through line 7.

**Strike:** line 6 through line 7 in their entirety

8. Page 2, line 8.

**Strike:** "b"

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**Insert:** "(1)(a)"  
**Following:** "invite"  
**Strike:** "proposals"  
**Insert:** "bids"

9. Page 2, line 9.  
**Strike:** "general orders,"  
**Insert:** "annual and biennial hunting, fishing, and trapping"  
**Following:** "rules"  
**Strike:** " ; "  
**Following:** "The"  
**Strike:** "proposals"  
**Insert:** "bids"

10. Page 2, line 10.  
**Strike:** "orders,"  
**Insert:** "and biennial hunting, fishing, and trapping"  
**Following:** "rules"  
**Strike:** " ; "

11. Page 2, line 13.  
**Strike:** "proposal"  
**Insert:** "bid"

12. Page 2, line 14.  
**Following:** "manner"  
**Insert:** ", content,"

13. Page 2, line 15.  
**Following:** "binding"  
**Strike:** " ; and"  
**Insert:** ". The advertising must be in a format that does not include price information."

14. Page 2, line 18.  
**Strike:** "(c)"  
**Insert:** "(b)"  
**Following:** "receipt of"  
**Strike:** "proposals"  
**Insert:** "bids"  
**Following:** "pursuant to"  
**Insert:** "this"  
**Following:** "subsection (1)"  
**Strike:** "(b)"

15. Page 2, line 20.  
**Strike:** "(1)(b)(ii)"  
**Insert:** "(1)(a)(ii)"



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16. Page 2, line 21 through line 24.

**Strike:** subsection (2) in its entirety

**Insert:** "(c) If no bids for printing are received, the department may publish the hunting, fishing, and trapping rules and regulations pursuant to rules adopted under subsection (2).

(2) The department shall adopt rules governing the posting and publication of all general rules, regulations, and orders."

And, as amended, do pass. Report adopted.

**HB 649**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROGRAM,"

**Strike:** "OR"

2. Title, line 7.

**Following:** "PROGRAM"

**Insert:** ", OR OTHER DEPARTMENT FUNDS AVAILABLE FOR VOLUNTARY LEASES OR OTHER WATER AUGMENTATION MEASURES"

**Following:** "FUNDS FROM THE"

**Strike:** "FEDERAL WILDLIFE CONSERVATION AND RESTORATION"

**Insert:** "U.S. FISH AND WILDLIFE SERVICE STATE WILDLIFE GRANT"

3. Title, line 8.

**Following:** "PROGRAM"

**Insert:** "OR OTHER AVAILABLE FEDERAL FUNDS"

4. Page 1, line 18.

**Following:** "under the"

**Strike:** "federal wildlife conservation and restoration"

**Insert:** "U.S. fish and wildlife service state wildlife grant"

5. Page 1, line 19.

**Following:** first "program"

**Insert:** "or other available federal funds"

6. Page 1, line 21.

**Following:** "87-1-257,"

**Strike:** "or"

**Following:** "these programs"

**Insert:** ", or from any other department funds available for voluntary leases or other water augmentation measures"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 661**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

**Following:** "MANNER" on line 6

**Strike:** remainder of line 5 through "LANDS," on line 6

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2. Page 1.

**Strike:** line 12 through line 26 in their entirety

3. Page 2, line 2.

**Following:** "manner,"

**Strike:** "based on the responsible stewardship of land, both public and private,"

4. Page 2, line 6 through line 7.

**Following:** "region" on line 6

**Strike:** remainder of line 6 through "region" on line 7

And, as amended, do pass. Report adopted.

**HJR 32**, introduced joint resolution, be amended as follows:

1. Page 1, line 17.

**Following:** "vary from"

**Strike:** "200 to 1,000"

**Insert:** "250 to 300"

2. Page 1, line 19.

**Following:** "upon,"

**Strike:** "uncontrolled"

**Following:** "populations"

**Strike:** "will"

**Insert:** "may"

**Following:** "rate of"

**Insert:** "up to"

3. Page 1, line 19 through line 20.

**Following:** "34%" on line 19

**Strike:** remainder of line 19 through "more" on line 20

4. Page 1, line 25.

**Following:** "WHEREAS,"

**Strike:** "with"

**Following:** "elk"

**Strike:** "composing about"

**Insert:** "may compose up to"

5. Page 1, line 25 through line 26.

**Following:** "diet" on line 25

**Strike:** remainder of line 25 through "year" on line 26

6. Page 2, line 1.

**Following:** "wolves"

**Strike:** "within the next few years"

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7. Page 2, line 3.

**Following:** "will"

**Strike:** "almost certainly bring an end to elk hunting by"

**Insert:** "reduce hunting opportunities for"

8. Page 2, line 4.

**Following:** "Montana"

**Strike:** "and will subsequently impact other wildlife resources, livestock, pets, and outdoor recreation"

And, as amended, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**HB 517**, introduced bill, be amended as follows:

2/26/2003

1. Title, line 7.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 5.

**Strike:** "the tax"

**Insert:** "up to 2 mills"

**Strike:** "under"

**Insert:** "subject to the provisions of"

3. Page 3.

**Following:** line 13

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 610**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "5%"

**Insert:** "in any year"

And, as amended, do pass. Report adopted.

**HB 625**, do pass. Report adopted.

**HB 712**, introduced bill, be amended as follows:

1. Page 3.

**Following:** line 22

**Insert:** "(a) for the imposition of conditions or restrictions under the local government regulations in effect at the time of the establishment of the vested property right;"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Speaker Mood moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Majority Leader R. Brown in the chair.

**HB 700** - Representative Brueggeman moved **HB 700** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HB 205** - Representative Franklin moved **HB 205** do pass.

Representative Franklin moved **HB 205**, second reading copy, be amended as follows :

1. Page 11, line 25.

**Strike:** "OR"

**Insert:** ", "

2. Page 11, line 26.

**Strike:** "TO 33-19-306"

**Following:** "(A)"

**Strike:** "(ii)"

**Insert:** "(iii)"

**Strike:** "OR"

**Insert:** ", "

3. Page 11, line 27.

**Following:** "HAS"

**Insert:** "not"

**Strike:** "IDENTIFIED"

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**Insert:** "deidentified"  
**Strike:** "TO 33-19-306"  
**Strike:** "OR"  
**Insert:** ", "  
**Following:** "MEDICAL"  
**Insert:** "record"

4. Page 11, line 28.  
**Strike:** "IDENTIFIED"  
**Insert:** "deidentified"  
**Strike:** "AND TO 33-19-306"  
**Insert:** "or"  
**Following:** "(22)"  
**Strike:** "AND"  
**Insert:** "or"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Bixby, Gillan, Juneau.  
Total 3

Motion that **HB 205**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 95

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Noes: Balyeat, Rice, Sales.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Younkin.  
Total 2

**HB 289** - Representative Newman moved **HB 289** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 89

Noes: D. Brown, Golie, Jayne, Lambert, Lehman, Maedje, A. Olson, Rice, Ripley, Wagman, Witt.  
Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 719** - Representative A. Olson moved **HB 719** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Ballantyne, Balyeat, Becker, Bixby, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 679** - Representative Steinbeisser moved **HB 679** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 91

Noes: Ballantyne, Carney, Cohenour, Gallik, Galvin-Halcro, Laslovich, Musgrove, Wanzenried.

Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 545** - Representative Laszloffy moved consideration of **HB 545** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 564** - Representative Lindeen moved **HB 564** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 80

Noes: Balyeat, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hedges, Kasten, Lewis, Maedje, B. Olson, Pattison, Roberts, Sales, Mr. Speaker.

Total 17

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Carney, Mendenhall.

Total 3

**HB 588** - Representative Matthews moved **HB 588** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Buzzas, P. Clark, Cohenour, Everett, Franklin, Gallik, Galvin-Halcro, Jent, Musgrove, Sales, Smith.

Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Brueggeman.

Total 2

**HB 685** - Representative Laszloffy moved consideration of **HB 685** be passed for the day. Motion carried.

**HB 733** - Representative Laszloffy moved consideration of **HB 733** be passed for the day. Motion carried.

**HB 701** - Representative Newman moved **HB 701** do pass.

Representative Newman made a substitute motion that **HB 701** be passed for the day. Motion carried.

**HB 703** - Representative Parker moved **HB 703** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 81



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Noes: Balyeat, R. Brown, Fisher, Fuchs, Hawk, Jayne, Lambert, Lange, Laszloffy, Lawson, Maedje, B. Olson, Rice, Rome, Sales, Schrumpf, Steinbeisser, Stoker.

Total 18

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 697** - Representative Sales moved **HB 697** do pass. Motion **failed** as follows:

Ayes: Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Shockley, Sinrud, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 29

Noes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 71

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 30** - Representative Windy Boy moved **HJR 30** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Barrett, Rice.

Total 2

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fuchs, Malcolm.

Total 2

**HB 295** - Representative Jent moved **HB 295** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Barrett, Fisher, Jayne, A. Olson, Ripley, Rome, Steinbeisser.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**HB 545** - Representative Laszloffy moved consideration of **HB 545** be placed at the top of the second reading board. Motion carried.

Representative Haines moved **HB 545** do pass.

Representative Malcolm moved **HB 545**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "OPERATIONS;"

**Insert:** "AUTHORIZING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES FOR SUCTION DREDGING SUBJECT TO THE PERMIT FEES;"

**Following:** "SECTIONS"

**Insert:** "75-5-201,"

**Following:** "75-5-516"

**Insert:** ", "

2. Page 1.

**Following:** line 8

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**Insert:** "Section 1. Section 75-5-201, MCA, is amended to read:

**"75-5-201. Board rules authorized.** (1) (a) The board shall, subject to the provisions of 75-5-203, adopt rules for the administration of this chapter.

(b) The board shall adopt rules that describe the location and the times of the year when suction dredging is permissible. These rules may be adopted only after consultation with the local conservation districts in the areas subject to the rule.

(2) The board's rules may include a fee schedule or system for assessment of administrative penalties as provided under 75-5-611."

**Renumber:** subsequent sections

3. Page 3, line 13.

**Following:** "(a)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (12)(c), the"

4. Page 3.

**Following:** line 20

**Insert:** "(c) The fees in subsections (12)(a) and (12)(b) may not be imposed until rules governing suction dredging have been adopted under 75-5-201."

Representative Haines moved the amendment (amendment #1 section #1-3) be divided. Thereupon, amendment #1 section #1-3 was adopted as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 50

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Voted Absentee: Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

Thereupon, amendment #1 section #4 was **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Parker, Raser, Roberts, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Voted Absentee: Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 545**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Lewis, Lindeen, Malcolm, Musgrove, Parker, Pattison, Raser, Ryan, Sales, Small-Eastman, Smith, Weiss, Wilson.

Total 42

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 617** - Speaker Mood moved consideration of **HB 617** be placed at the bottom of the second reading board. Motion carried.

**HB 651** - Representative Harris moved **HB 651** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro,

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Total 58

Noes: Andersen, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, Malcolm, McKenney, Mendenhall, A. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 41

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 667** - Representative Harris moved **HB 667** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Everett, Fuchs, Steinbeisser.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 669** - Representative Younkin moved **HB 669** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy,

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Total 91

Noes: Bixby, D. Brown, Buzzas, Gallik, Galvin-Halcro, Jayne, Juneau, Small-Eastman, Smith.

Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 542** - Representative Franklin moved **HB 542** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Everett.

Total 1

**HB 681** - Representative E. Clark moved **HB 681** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley,

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Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Bixby, Hawk, Jayne, Juneau, Mendenhall, Sales, Sinrud, Small-Eastman, Smith.

Total 10

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 659** - Representative Kaufmann moved **HB 659** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Noes: Balyeat, Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Jent, Laszloffy, Lawson, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt.

Total 22

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 711** - Representative Gallus moved **HB 711** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

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Noes: Balyeat, Barrett, Dickenson, Everett, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Jayne, Lake, Lambert, Lawson, Morgan, Rice, Ripley, Sales, Wagman, Witt.

Total 21

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

Representative Brueggeman moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr.

Speaker.

Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Keane, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: R. Brown, Morgan.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 574** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,



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Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: P. Clark, Kasten, Laslovich, Pattison, Sinrud, Wanzenried.  
Total 6

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 584** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Sales, Smith, Wanzenried.  
Total 4

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Gutsche, Stoker, Wilson.  
Total 3

**HB 621** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Golie, Jent, Raser, Sales, Wanzenried, Windy Boy.  
Total 7

Excused: Bookout-Reinicke.

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Total 1

Absent or not voting: Brueggeman, Pattison, Stoker.

Total 3

**HB 631** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, P. Clark, Malcolm, Newman, Sales, Smith, Wanzenried.

Total 7

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 637** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, R. Brown, Everett, Hawk, Lake, Morgan, Sales.

Total 7

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 684** passed as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Buzzas, P. Clark, Franklin, Galvin-Halcro, Kaufmann, Sales, Small-Eastman, Smith, Wanzenried, Weiss.  
Total 11

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Malcolm.  
Total 1

**HJR 24** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Balyeat, Buzzas, Cohenour, Erickson, Facey, Franklin, Fuchs, Gallik, Gutsche, Harris, Juneau, Kaufmann, Parker, Sales, Small-Eastman, Smith, Wanzenried, Wilson.  
Total 18

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 370** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 81

Noes: Andersen, Balyeat, D. Brown, R. Brown, Hawk, Kasten, Malcolm, Mendenhall, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Steinbeisser, Waitschies.

Total 18

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 437** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 61

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Malcolm, Musgrove, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Parker.

Total 1

**HB 465** passed as follows:

Ayes: Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Erickson, Everett, Fisher, Fritz, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Andersen, Ballantyne, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Facey, Forrester, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lenhart, Malcolm, Musgrove, Parker, Small-Eastman, Smith, Wilson.

Total 29

Excused: Bookout-Reinicke.

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Total 1

Absent or not voting: Balyeat.

Total 1

**HB 493** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Gutsche, Schrumpf.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/26/2003

Correctly printed: **HB 249, HB 625, HB 678, HB 683.**

Correctly engrossed: **HB 100, HB 120, HB 241, HB 352, HB 486, HB 502, HB 517, HB 554, HB 558, HB 598, HB 599, HB 610, HB 649, HB 661, HB 680, HB 687, HB 712, HB 720, HB 731, HJR 28, HJR 32.**

**TRANSPORTATION** (Waitschies, Chairman):

2/26/2003

**HB 502**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ALL"

2. Title, page 1, line 5.

**Strike:** "SOLD" through "MONTANA"

3. Title, page 1, line 6.

**Following:** "ENGINES"

**Insert:** "OF STATE VEHICLES THAT ARE PART OF THE MONTANA BIODIESEL PILOT PROGRAM;  
ESTABLISHING THE MONTANA BIODIESEL PILOT PROGRAM"

4. Title, page 1, line 6 through line 8.

**Strike:** "EXEMPTING FUEL" on line 6 through "TERM" on line 8

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**Insert:** "STANDARDIZING THE DEFINITIONS OF"

**Following:** ""BIODIESEL""

**Insert:** "AND DEFINING "BIODIESEL BLEND""

5. Title, page 1, line 10.

**Strike:** "15-70-341,"

**Insert:** "15-70-301, 15-70-304, 15-70-321,"

**Strike:** "CONTINGENT EFFECTIVE"

**Insert:** "TERMINATION"

6. Page 1, line 15 through line 16.

**Strike:** "-- exemption" on line 15

**Strike:** "(1)" on line 15 through "all" on line 16

**Insert:** "All"

7. Page 1, line 16.

**Following:** "fuel"

**Strike:** "sold" through "use"

**Insert:** "used"

**Following:** "engines"

**Insert:** "of state vehicles that are part of the Montana biodiesel pilot program"

8. Page 1, line 18 through line 19.

**Strike:** subsection (2) in its entirety

9. Page 1, line 21 through page 5, line 21.

**Strike:** section 2 in its entirety

**Insert:** "NEW SECTION. Section 2. Montana biodiesel pilot program. (1) The department shall develop and implement a pilot program utilizing a portion of the department's motor vehicle fleet as a pilot project to research the use of biodiesel as defined in 82-15-101.

(2) The research must focus on:

(a) effects of biodiesel on vehicle engines;

(b) effects of biodiesel on the environment;

(c) cost of biodiesel, including distribution and end-use consumer price;

(d) storage of biodiesel; and

(e) taxation related to biodiesel."

**Insert:** "NEW SECTION. Section 3. Reports required on Montana biodiesel pilot program. The department shall report on a biannual basis or upon request to the revenue and transportation interim committee regarding the progress of the pilot program and any results of the research."

**Insert:** "**Section 4.** Section 15-70-301, MCA, is amended to read:

**"15-70-301. (Temporary) Definitions.** As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm or income reports for tax purposes as required by the United States internal revenue service.

(2) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of

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Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or

(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

(3) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

(4) "Cardtrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

(5) "Department" means the department of transportation.

(6) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

(7) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

(8) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

(9) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

(10) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

(11) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

(12) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

(13) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

(14) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as

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applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

(15) "Public roads and highways of this state" means all streets, roads, highways, and related structures:

(a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(16) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes all other types of additives when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

(17) "Special fuel dealer" means:

(a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by the person;

(b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardrol, keylock, or similar device; or

(c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

(18) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

(19) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state.

**15-70-301. (Effective on occurrence of contingency) Definitions.** As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm or income reports for tax purposes as required by the United States internal revenue service.

(2) "Biodiesel" means:

~~—— (a) (i) a fuel sold for use in motor vehicles operating upon the public roads and highways within the state that contains at least 20% esterified vegetable oil, at least 10% alcohol, or an equivalent mixture of both oil and alcohol, with the balance being diesel fuel or any other petroleum-based volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test and other additives; or~~

~~—— (ii) a monoalkyl ester that:~~

~~—— (A) is derived from domestically produced vegetable oils, renewable lipids, rendered animal fats, or any combination of those ingredients; and~~

~~—— (B) meets the requirements of ASTM PS 121, also known as the Provisional Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as adopted by the American society of testing and materials.~~

~~—— (b) Biodiesel is also known as "B-20": a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and is also designated as B100.~~

(3) "Biodiesel blend" means a blend of biodiesel and petroleum diesel fuel.

~~(3)(4)~~ (4) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or



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(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

~~(4)~~(5) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

~~(5)~~(6) "Cardtrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

~~(6)~~(7) "Department" means the department of transportation.

~~(7)~~(8) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

~~(8)~~(9) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

~~(9)~~(10) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

~~(10)~~(11) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

~~(11)~~(12) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

~~(12)~~(13) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

~~(13)~~(14) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

~~(14)~~(15) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

~~(15)~~(16) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

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~~(16)~~(17) "Public roads and highways of this state" means all streets, roads, highways, and related structures:  
(a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;

(b) dedicated to public use;  
(c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or  
(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

~~(17)~~(18) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes biodiesel and additives of all types when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

~~(18)~~(19) "Special fuel dealer" means:

(a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by the person;

(b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardrol, keylock, or similar device; or

(c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

~~(19)~~(20) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

~~(20)~~(21) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state. (Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-301. (Effective July 1 of fourth year following date of occurrence of contingency) Definitions.**  
As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm income reports for tax purposes as required by the United States internal revenue service.

(2) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or

(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

(3) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

(4) "Cardrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

(5) "Department" means the department of transportation.

(6) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

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(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

(7) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

(8) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

(9) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

(10) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

(11) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

(12) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

(13) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

(14) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

(15) "Public roads and highways of this state" means all streets, roads, highways, and related structures:

(a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(16) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes all other types of additives when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

(17) "Special fuel dealer" means:

(a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply

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tank or tanks of a motor vehicle not then owned or controlled by the person;

(b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardrol, keylock, or similar device; or

(c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

(18) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

(19) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state."

**Insert: "Section 5.** Section 15-70-304, MCA, is amended to read:

**"15-70-304. (Temporary) Bonding, release of surety, and additional bond.** (1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

(a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and

(b) \$500 for any other special fuel user who:

(i) requests a special fuel user's permit to be reissued after being canceled for cause; or

(ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in 15-70-301(2), the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in 15-70-301(2) if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit.

**15-70-304. (Effective on occurrence of contingency) Bonding, release of surety, and additional bond.**

(1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

(a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and

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(b) \$500 for any other special fuel user who:

(i) requests a special fuel user's permit to be reissued after being canceled for cause; or

(ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in ~~15-70-301(3)~~ the definition of bond in 15-70-301, the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in ~~15-70-301(3)~~ the definition of bond in 15-70-301 if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit. (Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-304. (Effective July 1 of fourth year following date of occurrence of contingency) Bonding, release of surety, and additional bond.** (1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

(a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and

(b) \$500 for any other special fuel user who:

(i) requests a special fuel user's permit to be reissued after being canceled for cause; or

(ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in 15-70-301(2), the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in 15-70-301(2) if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit."

**Insert: "Section 6.** Section 15-70-321, MCA, is amended to read:

**"15-70-321. (Temporary) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax,

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as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions; and

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) The tax imposed in subsection (1) is 27 3/4 cents per gallon.

**15-70-321. (Effective on occurrence of contingency) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax, as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas and biodiesel, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas and biodiesel, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions;

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state; and

(d) for each gallon of biodiesel blend that is at least 20% biodiesel and that is delivered into the fuel supply tank of a highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) (a) The tax imposed in subsections (1)(a) through (1)(c) is 27 3/4 cents per gallon.

(b) The tax imposed in subsection (1)(d) is 85% of the amount provided for in subsection (2)(a).

(Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-321. (Effective July 1 of fourth year following date of occurrence of contingency) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax, as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions; and

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) The tax imposed in subsection (1) is 27 3/4 cents per gallon.""

**Renumber:** subsequent sections

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10. Page 5, line 25 through line 30.

**Following:** "means" on line 25

**Strike:** "a monoalkyl" on line 25 through "materials." on line 30

**Insert:** "a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and is also designated as B100."

(2) "Biodiesel blend" means a blend of biodiesel and petroleum diesel fuel."

**Renumber:** subsequent subsections

11. Page 7, line 1.

**Strike:** "(4)"

**Insert:** "(5)"

12. Page 7, line 13.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 through 3] are"

13. Page 7, line 14.

**Following:** "part of"

**Strike:** "Title" through "[section 1]"

**Insert:** "Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [sections 1 through 3]"

14. Page 7, lines 16 through 19.

**Strike:** section 6 in its entirety

**Renumber:** subsequent section

15. Page 7, line 20.

**Insert:** "NEW SECTION. Section 10. Termination. [Sections 1 through 3] terminate December 31, 2006."

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Laszloffy moved **HB 685** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Laszloffy moved **HB 701** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Laszloffy moved **HB 604** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Laszloffy moved **HB 295** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Harris moved **HB 651** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 113** be taken from second reading and be rereferred to the Committee on Appropriations. Motion **failed** as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 49

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Malcolm.  
Total 1

Representative P. Clark moved **HB 671** be taken from the Committee on Fish, Wildlife, and Parks and be placed on second reading Legislative Day 44. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Thomas.  
Total 1

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 624**: Buzzas, Fuchs, Kasten, Laslovich.

The following bill was **added** to the consent calendar: **HB 635**.

**ANNOUNCEMENTS**



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 26, 2003

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, February 27, 2003. Motion carried.

House adjourned at 7:46 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 25, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Raser. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-seventh, thirty-eighth, and thirty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

Mr. Speaker introduced the following page:

Alexander Jardon, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/25/2003

Correctly engrossed: **HB 437, HB 467, HB 475, HB 479, HB 518, HB 523, HB 642, HB 673, HB 710, HJR 29.**

Correctly enrolled: **HB 181, HB 311.**

Examined by the sponsor and found to be correct: **HB 181, HB 311.**

Signed by the Speaker at 5:00 p.m., February 24, 2003: **HB 181, HB 311.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/24/2003

**HB 205**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "MONTANA"

**Insert:** "STATE"

2. Title, line 12 through line 13.

**Strike:** "AN" on line 12 through "DATE" on line 13

**Insert:** "EFFECTIVE DATES AND AN APPLICABILITY DATE"

3. Page 3, line 17.

**Following:** "technical"

**Insert:** ", administrative,"

4. Page 5, line 24.

**Strike:** "given to"

**Insert:** "obtained by"

5. Page 5, line 25.

**Strike:** "33-19-306(3) through ~~(22)~~ (24)"

**Insert:** "33-19-306(10), (11), (14), (15), and (17)"

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6. Page 6, line 25.

**Strike:** "but not limited to"

7. Page 7, line 7.

**Following:** "examinations"

**Insert:** "of the licensee"

8. Page 7, line 8 through line 9.

**Strike:** "of any" on line 8 through "(1)" on line 9

**Insert:** "that are subject to state privacy laws"

9. Page 7, line 16.

**Strike:** "(2)(a)"

**Insert:** "(7)(a)"

**Following:** "exemption"

**Insert:** ", unless the requirements of this subsection (7) are preempted by HIPAA privacy regulations"

10. Page 7, line 23.

**Strike:** "and insurance functions"

11. Page 7, line 28.

**Strike:** "(4)(a)"

**Insert:** "(5)(a)"

12. Page 8, line 29.

**Following:** " ; "

**Insert:** "and"

13. Page 9, line 1.

**Strike:** " ; "

**Insert:** " . "

14. Page 9, following line 1.

**Insert:** "(4) The following information must be contained in the initial notice delivered at the time of application and in any subsequent annual notice if the policy renews periodically:"

**Renumber:** subsequent subsections

15. Page 9, line 2.

**Strike:** "(f)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

16. Page 9, line 5.

**Strike:** " , discloses, "

17. Page 9, line 6.

**Following:** "from"

**Insert:** "or discloses personal information to"

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18. Page 9, line 15.

**Strike:** "(7)"

**Insert:** "(8)"

19. Page 9, line 19.

**Strike:** "(22)"

**Insert:** "(24)"

**Strike:** "(4)(b)"

**Insert:** "(5)(b)"

20. Page 9, line 28.

**Strike:** "(4)(b)"

**Insert:** "(5)(b)"

21. Page 10, line 13.

**Strike:** "(4)(a)"

**Insert:** "(5)(a)"

22. Page 10, line 15.

**Strike:** "(4)(b)(i) through (4)(b)(iv)"

**Insert:** "(5)(b)(i) through (5)(b)(iv)"

23. Page 10, line 18 through line 21.

**Following:** "used, a"

**Strike:** "any national" on line 18 through "law" on line 21

**Insert:** "the licensee shall refer the individual to state specific notice forms that may be used. Any national notice form must give individuals clear and conspicuous notice that when state law is more protective of individuals than federal privacy law, the licensee will protect information in accordance with state law"

24. Page 11, line 10.

**Strike:** "3"

**Insert:** "2"

25. Page 11, line 15.

**Strike:** "The" through "organization"

**Insert:** "If an individual, after proper identification, submits a written request to a licensee for a record of disclosures of medical record information, the licensee"

26. Page 11, line 16 through line 17.

**Strike:** "insurance" on line 16 through "made" on line 17

**Insert:** "licensee"

27. Page 11, line 17.

**Following:** "33-19-306"

**Insert:** "(8) or (9), other than disclosures made to law enforcement authorities, to 33-19-306(10)(b), (12)(a)(ii), (13) or (14), only as to medical record information that has been identified, to 33-19-306(15) or (21), only as to medical information that has not been identified, and to 33-19-306(22)"

28. Page 11, line 18.

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**Strike:** ", and except as specified in subsection (2)(b) of this section, the"

**Insert:** ". The record of those"

29. Page 11, line 20.

**Strike:** "3"

**Insert:** "2"

30. Page 11, line 23 through line 28.

**Strike:** "Tracking" on line 23 through "authorities" on line 28

**Insert:** "If an individual submits a written request to a licensee for a record of disclosures of medical record information and the licensee may have made medical record information disclosures pursuant to 33-19-306(4)(b),(5),(11),(12)(a)(i), (12)(a)(ii),(12)(b),(16),(18), or (19), the licensee must provide the individual with a description of the types of medical record information that the licensee may disclose under those exceptions, along with a general description of the usual recipients of that information. Individual tracking of each disclosure of medical record information is not required"

31. Page 12, line 22.

**Strike:** "or insurance function"

32. Page 16, line 20.

**Following:** "disclosed;"

**Insert:** "and"

33. Page 16, line 22 through line 24.

**Strike:** "; and" on line 22 through "(3)" on line 24

34. Page 16, line 30.

**Strike:** ";"

35. Page 17, line 1.

**Strike:** "(a)"

36. Page 17, line 2 through line 3.

**Strike:** "; and" on line 2 through "(3)" on line 3

37. Page 18, line 7.

**Following:** "(2)"

**Strike:** "and (3)"

**Insert:** "through (4)"

38. Page 18, line 15.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Strike:** "[This act] is"

**Insert:** "(1) [Section 2 and this section] are"

39. Page 18, following line 15.

**Insert:** "(2) [Sections 1 and 3 through 6] are effective January 1, 2004, and apply to policies issued or renewed on or after January 1, 2004."

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And, as amended, do pass. Report adopted.

**HB 494**, do pass. Report adopted.

**HB 564**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 3.

**Following:** "department"

**Insert:** "of commerce"

3. Page 2, following line 15.

**Insert:** "(8) "Office of economic development" means the office of economic development established in 2-15-218."

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "wealth"

**Insert:** ", and for which at least 50% of the sales of the employer occur outside of Montana or the employer is a manufacturing company with at least 50% of its sales to other Montana companies that have 50% of their sales occurring outside of Montana"

5. Page 3, line 10.

**Strike:** "five-member"

**Insert:** "seven-member"

**Strike:** "appointed by the governor"

**Insert:** ", "

6. Page 3, line 11.

**Strike:** "one representative from the department"

**Insert:** "two representatives from the private sector representing economic development, one of whom serves on the state workforce investment board, appointed by the governor"

7. Page 3, line 12.

**Strike:** "one representative from the department of labor and industry"

**Insert:** "two representatives from the business community, one appointed by the president of the senate and one appointed by the speaker of the house, one of whom serves on the state workforce investment board"

8. Page 3, line 13.

**Following:** "office"

**Insert:** ", appointed by the governor"

9. Page 3, line 14.

**Following:** "revenue"

**Insert:** ", appointed by the governor"

10. Page 3, line 15.

**Strike:** "Montana university system"

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**Insert:** "department of labor and industry, appointed by the governor"

11. Page 4, line 5.

**Strike:** "department"

**Insert:** "office of economic development"

12. Page 4, line 12.

**Following:** "shall"

**Insert:** "demonstrate that at least 50% of the applicant's sales will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from companies that have 50% of their sales outside of Montana and must"

13. Page 4, line 28.

**Following:** "represents"

**Insert:** "the lesser of"

14. Page 4, line 29.

**Following:** "programs"

**Insert:** ", the current median income level of the county in which the employees are to be principally employed, or for jobs that will be principally located on a reservation, the current median income level of the reservation"

15. Page 4, line 30 through page 5, line 2.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) The office of economic development may consider the value of employee benefits in calculating the expected annual wage."

16. Page 6, line 13.

**Strike:** "the 12-month grant contract period"

**Insert:** "12 months from the time that the grant is awarded"

17. Page 6, line 27.

**Strike:** "annually"

18. Page 6, line 28.

**Following:** "received."

**Insert:** "Gross wages must be reported for the 12-month period following a grant award and for each subsequent 12-month period until the principal on the loan, issued under [section 7] and used to fund the grant award, is repaid."

19. Page 7, line 5.

**Strike:** "to a special fund"

**Insert:** "from the general fund to a special fund established in the office of economic development"

20. Page 7, line 6.

**Strike:** "[section 5]."

**Insert:** "[section 7]. The office of economic development shall establish a separate special fund for each grant award, which the office of economic development shall use for repayment of principal, interest, and administrative costs associated with that grant and the loan under [section 7] used to fund the grant and for the labor supply studies authorized in subsection (6)."

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21. Page 7, line 8.

**Following:** "particular"

**Strike:** "loan"

**Insert:** "grant"

**Following:** "principal on"

**Strike:** "that"

**Insert:** "the"

**Following:** the second "loan"

**Insert:** "issued under [section 7] used to fund that grant"

22. Page 7, following line 8.

**Insert:** "(6) The office of economic development shall, in each fiscal year, retain 5% of the total of all transfer payments from the department of revenue to the special accounts in the office of economic development, as provided for in subsection (5), that occur in that fiscal year. These funds must be used to assist the department of labor and industry in analyzing data and reporting on the available labor supply in Montana's rural, reservation, and urban labor markets."

**Renumber:** subsequent subsection

23. Page 7, line 14.

**Strike:** "department"

**Insert:** "office of economic development"

And, as amended, do pass. Report adopted.

**HB 588**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "THAT"

**Insert:** "FOR"

**Following:** "INCREASES"

**Insert:** "OR DECREASES"

2. Title, line 5 through line 8.

**Strike:** "ARE" on line 5 through "RENEWAL" on line 8

**Insert:** "UNDER CERTAIN CIRCUMSTANCES"

3. Page 1, line 17.

**Following:** "(b)"

**Insert:** "except as provided in [section 2],"

4. Page 1, line 17 through line 19.

**Strike:** "that" on line 17 through "renewal" on line 19

5. Page 2, following line 1.

**Insert:** "NEW SECTION. **Section 2. Limitation on midterm premium increases or decreases.** In any case involving property or casualty insurance that is subject to this part, if the insured has prepaid the premium for the insurance policy for a specified period, the insurer may not unilaterally increase or decrease the rate charged or decrease the coverage provided for the period for which the premium has been paid unless there is a change in risk during that period that is attributable to an act of the insured or the risk to be insured was misrepresented by the insured. This section



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does not prohibit the cancellation of a policy for any other reason permitted by the policy or by law during an initial policy period not to exceed 60 days."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 33, chapter 15, part 11, and the provisions of Title 33, chapter 15, part 11, apply to [section 2]."

And, as amended, do pass. Report adopted.

**HB 656**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 675**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 2/25/2003

**HB 641**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Following:** "(5)"

**Insert:** "(a)"

2. Page 1.

**Following:** line 24

**Insert:** "(b) The term does not include services provided by a transiting carrier."

3. Page 3, line 10.

**Following:** "(1)"

**Insert:** "An originating carrier of interexchange services shall transmit with the originating carrier's telecommunications traffic information necessary to enable the terminating carrier to identify, measure, and appropriately charge the originating carrier for the termination of the interexchange services."

4. Page 3, line 11.

**Following:** "enable the"

**Insert:** "terminating carrier or"

5. Page 3, line 12.

**Following:** "carrier"

**Insert:** "to receive information from the originating carrier in order"

6. Page 3, line 15.

**Following:** "services"

**Strike:** "or" through "carriers"

7. Page 3, line 20 through line 21.

**Strike:** "commission" on line 20

**Insert:** "terminating carrier"

**Following:** "request."

**Strike:** "The" on line 20 through "and the" on line 21

**Insert:** "The"

8. Page 3.

**Following:** line 22

**Insert:** "(4) An originating carrier that delivers local traffic to a terminating carrier, directly or indirectly through a

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transiting carrier, shall, upon request of the terminating carrier, enter into an interconnection agreement with the terminating carrier, as provided in 69-3-831 through 69-3-839.

(5) If an originating carrier refuses to negotiate an interconnection agreement as provided in subsection (4), a terminating carrier may:

(a) refuse to terminate traffic delivered by the originating carrier; or

(b) file a complaint with the commission. The commission may order compensation to the terminating carrier for the terminating services at the same rate charged by the terminating carrier to other originating carriers."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 700**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "PROVIDING" on line 6 through "COSTS;" on line 8

2. Title, line 12.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 5, line 3 through line 10.

**Strike:** subsections (d) and (e) in their entirety

4. Page 8, line 29 through page 9, line 6.

**Strike:** subsections (d) and (e) in their entirety

5. Page 11, line 6 through line 13.

**Strike:** subsections (d) and (e) in their entirety

6. Page 14.

**Following:** line 12

**Insert:** "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

7. Page 14.

**Following:** line 14

**Insert:** "NEW SECTION. Section 11. Retroactive applicability. [Sections 3 and 4] apply retroactively, within the meaning of 1-2-109, to a request for a hearing or an appeal filed on or after January 1, 2003."

And, as amended, do pass. Report adopted.

**HJR 26**, introduced joint resolution, be amended as follows:

1. Page 2, line 17.

**Following:** "Conservation,"

**Insert:** "the Superintendent of Public Instruction, the Commissioner of Higher Education,"

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And, as amended, be adopted and be placed on the consent calendar. Report adopted.

**HJR 30**, be adopted. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 711**, do pass. Report adopted.

2/24/2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/24/2003

**SB 115**, introduced by Mahlum  
**SB 184**, introduced by Butcher  
**SB 205**, introduced by Cobb  
**SB 221**, introduced by Kitzenberg  
**SB 250**, introduced by Kitzenberg  
**SB 253**, introduced by Elliott  
**SB 298**, introduced by F. Thomas  
**SB 307**, introduced by D. Ryan  
**SB 315**, introduced by Schmidt  
**SB 331**, introduced by Squires  
**SB 336**, introduced by Mahlum  
**SB 340**, introduced by Grimes  
**SB 343**, introduced by Laible  
**SB 363**, introduced by McNutt  
**SB 376**, introduced by Elliott  
**SB 377**, introduced by Mahlum  
**SB 380**, introduced by Bales  
**SB 399**, introduced by Bohlinger  
**SB 413**, introduced by Kitzenberg  
**SB 414**, introduced by Pease  
**SB 419**, introduced by McNutt  
**SB 438**, introduced by DePratu

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/24/2003

**SJR 17**, introduced by Tester

**House amendments to Senate bill** concurred in:

2/24/2003

**SB 195**, introduced by Grimes

**House bill** concurred in and returned to the House:

2/25/2003

**HB 108**, introduced by A. Olson

**FIRST READING AND COMMITMENT OF BILLS**

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The following House bills were introduced, read first time, and referred to committees:

**HB 743**, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

**HB 744**, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

Majority Leader Brown moved that the House recess until 12:25 p.m. for caucuses. Motion carried.

House recessed at 12:06 p.m.

House reconvened at 12:26 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 370** - Representative Noennig moved **HB 370** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Andersen, Balyeat, D. Brown, R. Brown, Fuchs, Galvin-Halcro, Hawk, Kasten, Laszloffy, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Waitschies.

Total 22

Excused: None.

Total 0

Absent or not voting: Gillan, Windy Boy.

Total 2

**HB 437** - Representative A. Olson moved **HB 437** do pass.

Representative Harris moved **HB 437**, second reading copy, be amended as follows:

1. Title, line 9 through line 14.

**Following:** "CONSTITUTION;"

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**Strike:** "REQUIRING" on line 9 through "INJUNCTION;" on line 14

2. Title, line 25.

**Strike:** "75-2-211,"

3. Title, line 27.

**Strike:** "75-20-201,"

4. Page 7, line 10.

**Following:** "unabridged"

**Strike:** "-- injunction for permit challenge"

5. Page 7, line 21 through line 23.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

6. Page 7, line 28 through page 13, line 18.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

7. Page 24, line 16 through page 25, line 5.

**Strike:** section 21 in its entirety

**Renumber:** subsequent sections

8. Page 25, line 17 through line 20.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

9. Page 25, line 26.

**Strike:** "-- injunction"

10. Page 26, line 3 through line 6.

**Strike:** subsection (3) in its entirety

11. Page 34, line 24.

**Following:** "venue"

**Strike:** "-- injunction"

12. Page 35, line 2 through line 5.

**Strike:** subsection (3) in its entirety

13. Page 35, line 27.

**Following:** "venue"

**Strike:** "-- injunction"

14. Page 36, line 5 through line 7.

**Strike:** subsection (4) in its entirety

15. Page 36, line 10.

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**Following: "venue"**

**Strike: "-- injunction"**

16. Page 37, line 3 through line 5.

**Strike:** subsection (7) in its entirety

17. Page 38, line 1.

**Strike:** "36"

**Insert:** "34"

18. Page 38, line 3.

**Strike:** "36"

**Insert:** "34"

19. Page 38, line 15.

**Strike:** section 41 in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Smith, Wanzenried, Windy Boy.

Total 38

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

Motion that **HB 437** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bixby, Buzzas, Callahan, Carney, Cohenour, Dickenson, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro,

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Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 493** - Representative Branae moved **HB 493** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 465** - Representative P. Clark moved **HB 465** do pass. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Everett, Fisher, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Andersen, Ballantyne, Branae, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jayne, Jent, Kasten, Kaufmann, Lake, Lenhart, Malcolm, Musgrove, Parker, Ryan, Small-Eastman, Smith, Waitschies, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 357** - Representative Harris moved **HB 357** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Hedges, Jacobson, Jent, Kaufmann, Keane, Lenhart, Maedje, Musgrove, Parker, Ross, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.  
Total 40

Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gillan, Golie, Haines, Hawk, Hurwitz, Jackson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 59

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 302** - Representative Lewis moved **HB 302** do pass.

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 5, line 22.

**Following:** "each"

**Insert:** "enrolled member"

2. Page 5, line 23.

**Following:** "plan."

**Insert:** "The notification must include the cost or savings resulting from each proposed change in plan benefits, the amount of premium change that is the result of profit or loss for the current plan year, and a description of each additional factor increasing or decreasing plan premiums."

3. Page 9, lines 25 and 26.

**Following:** "MAY" on line 25

**Strike:** remainder of line 25 through "contract," on line 26

**Following:** "PERSONNEL" on line 26

**Insert:** "or contract"

4. Page 11, line 8.

**Following:** "auditor"

**Insert:** "and paid for by the plans"

5. Page 11, line 24.



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**Following:** "(1)"

**Strike:** "AND"

**Insert:** ", "

**Following:** "(2)"

**Insert:** ", and any premiums or other income of the plans"

6. Page 14, line 27.

**Strike:** "2004"

**Insert:** "2005"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Bergren, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jayne, Jent, Keane, Lake, Lambert, Laslovich, Lenhart, Morgan, Musgrove, Newman, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Noes: Andersen, Barrett, Becker, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Forrester, Fuchs, Gallik, Gallus, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 7, line 27 through page 8, line 19.

**Strike:** subsections (2) and (3) in their entirety

**Insert:** "

(2) The board consists of seven members appointed to 4-year staggered terms by the governor as follows:

(a) one public school classroom teacher from a first-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(b) one public school classroom teacher from a second-class or third-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(c) one administrator from a first-class elementary or high school district;

(d) one administrator from a second-class or third-class elementary or high school district;

(e) one classified employee; and

(f) two public members.

(3) When a vacancy occurs, the governor shall designate any person meeting the requirements of the vacancy to fill the position."

2. Page 14, line 20.

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**Strike:** "three"  
**Insert:** "two"  
**Strike:** "3-year"  
**Insert:** "2-year"

3. Page 14, line 21.

**Strike:** "three"  
**Insert:** "two"  
**Strike:** "4-year"  
**Insert:** "3-year"

4. Page 14, line 22.

**Strike:** "5-year"  
**Insert:** "4-year"

5. Page 14, line 23.

**Strike:** "5-year"  
**Insert:** "4-year"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Cyr, Dickenson, Dowell, Everett, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Laslovich, Laszloffy, Lenhart, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Parker, Pattison, Peterson, Roberts, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Wagman, Waitschies, Weiss, Wilson, Windy Boy.  
Total 58

Noes: Balyeat, Becker, Bergren, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Devlin, Erickson, Facey, Forrester, Fuchs, Gallik, Gallus, Hedges, Jacobson, Kaufmann, Lambert, Lange, Lawson, Lehman, Lewis, Matthews, Newman, Noennig, A. Olson, B. Olson, Raser, Rice, Ripley, Rome, Ross, Sales, Shockley, Steinbeisser, Stoker, Thomas, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Galvin-Halcro moved **HB 302**, second reading copy, be further amended as follows:

1. Title, page 1, line 17.

**Following:** "PLAN;"

**Insert:** "PROVIDING THAT A DISTRICT THAT PAYS HEALTH BENEFIT CONTRIBUTIONS FOR ALL ELIGIBLE EMPLOYEES IS NOT REQUIRED TO PARTICIPATE IN THE STATEWIDE PUBLIC SCHOOL RISK POOL AND HEALTH BENEFIT PLANS;"

2. Page 5, line 10.

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**Following: "contributions"**

**Insert: "-- exception to participation"**

3. Page 5, line 27.

**Following: "(4)"**

**Strike: "By"**

**Insert: "Except as provided in subsection (17), by"**

4. Page 7, line 24.

**Following: line 23**

**Insert: "(17) A school district that pays health benefit contributions for all eligible employees, regardless of whether the employee or employees participate in the district's health plan, is not required to participate in the statewide public school risk pool and health benefit plans. Proof of a district's payment of contributions and the district's participation requirement must be provided to the board, along with a notice of intent not to participate in the statewide public school risk pool and health benefit plans, on or before May 1, 2004. "**

Amendment **not** adopted as follows:

Ayes: Balyeat, Bergren, Bookout-Reinicke, Buzzas, Callahan, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Keane, Lenhart, McKenney, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson.

Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Excused: None.

Total 0

Absent or not voting: Haines.

Total 1

Motion that **HB 302**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Buzzas, Callahan, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche,

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McKenney, Parker, Raser, Wanzenried, Wilson.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gibson, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Buzzas, Callahan, Carney, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Juneau, Kaufmann, Raser, Wilson.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Becker, Gallus, Hurwitz, Laslovich, Wanzenried.  
Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 441**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

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Noes: Balyeat, Fuchs, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 512**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Bergren, D. Brown, Buzzas, P. Clark, Franklin, Golie, Laszloffy, Sales, Shockley, Smith.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 644**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Facey, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 68

Noes: Balyeat, Buzzas, E. Clark, P. Clark, Devlin, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Hedges, Kasten, Kaufmann, Keane, Lake, Lambert, Laszloffy, Lawson, Mendenhall, Morgan, Newman, Peterson, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Witt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Fisher.

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Total 1

**HB 653**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 411** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Carney, P. Clark, Cyr, Dickenson, Erickson, Facey, Fisher, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Kaufmann, Newman, Raser, Smith, Wanzenried, Weiss, Wilson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 608** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, Devlin, Everett, Fisher, Fuchs, Hawk, Lake, Malcolm, Pattison, Peterson, Sales, Shockley, Steinbeisser, Waitschies, Witt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 647** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/25/2003  
**HB 679**, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman): 2/25/2003  
**HB 630**, introduced bill, be amended as follows:

1. Title, page 1, line 5.  
**Strike:** "\$44,017,000"  
**Insert:** "\$45,292,000"

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2. Page 1, line 17.

**Strike:** "\$44,017,000"

**Insert:** "\$45,292,000"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 685**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** line 4

**Insert:** "CHILD-CARE AGENCY--"

2. Title, page 1, line 6.

**Following:** first "DATE"

**Insert:** ", AN APPLICABILITY DATE,"

3. Page 1, lines 10 through 12.

**Following:** "a" on line 10

**Insert:** "child-care agency--"

**Following:** "include" on line 11

**Strike:** remainder of line 11 through "center" on line 12

**Strike:** "ANB"

**Insert:** "enrollment"

**Following:** "count"

**Insert:** "a student who is under the protective care of a state agency or has been adjudicated by a Montana court to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103, or a student who is required to attend school outside of the district of residence as the result of a placement in foster care or in a group home licensed by the state"

4. Page 1, line 13.

**Following:** line 12

**Insert:** "(1) the child-care agency--residential treatment center is licensed by the state as a youth group home that provides therapeutic services;"

**Renumber:** subsequent subsections

**Following:** "from the" on line 13

**Insert:** "child-care agency--"

5. Page 1, line 14.

**Following:** "in the"

**Insert:** "child-care agency--residential"

6. Page 1, line 15.

**Following:** the first "the"

**Insert:** "child-care agency--"

7. Page 1, line 17.

**Following:** the second "the"

**Insert:** "child-care agency--"

8. Page 1, line 18.



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**Following:** ";

**Insert:** "and"

9. Page 1, lines 19 and 20.

**Strike:** subsection (4) in its entirety

10. Page 1, line 21.

**Following:** the second "the"

**Insert:** "child-care agency--"

11. Page 1, line 27.

**Following:** "date"

**Insert:** "-- applicability"

**Following:** "2003"

**Insert:** ", and applies to school budgets for school fiscal years beginning on or after July 1, 2003"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/25/2003

**HB 524**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROGRAM"

**Strike:** "OPERATED" through "CENTER"

**Insert:** "THAT ACCEPTS PUBLIC FUNDING"

2. Page 5, line 26 through line 27.

**Following:** "a program"

**Strike:** remainder of line 26 through "to" on line 27

**Insert:** "that provides treatment, rehabilitation, and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational functions of a"

**Following:** "youth" on line 27

**Insert:** "and"

3. Page 5, line 29.

**Following:** "services;"

**Insert:** "and"

4. Page 5, line 30.

**Strike:** subsection (iii) in its entirety

**Renumber:** subsequent subsections

5. Page 6, line 1.

**Strike:** ";

**Insert:** ".

6. Page 6, line 2 through line 3.

**Strike:** subsections (v) and (vi) in their entirety

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7. Page 7, line 16.

**Strike:** "Extension" through "to"

**Insert:** "Licensure of"

8. Page 7, line 17 and line 18.

**Following:** "programs"

**Insert:** "-- exemption"

**Following:** "program" on line 17

**Strike:** remainder of line 17 through the second "center" on line 18

**Insert:** "that accepts public funding"

9. Page 7, line 19.

**Following:** "program"

**Strike:** "for youth that is not operated by a licensed mental health center and"

And, as amended, do pass. Report adopted.

**HB 542**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "the"

**Insert:** "therapeutic"

2. Page 2, line 6.

**Following:** "psychological."

**Insert:** "or"

**Following:** "neurological"

**Strike:** ", or orthopedic"

3. Page 3, line 3.

**Following:** "section"

**Insert:** ", "

4. Page 3, line 4.

**Strike:** "occupations"

**Insert:** "purposeful goal-directed activity"

5. Page 4, line 2.

**Strike:** "A"

**Insert:** "(1) Except as provided in subsection (2), a"

6. Page 4, line 4.

**Strike:** "(1)"

**Insert:** "(a)"

7. Page 4, line 5.

**Strike:** "(2)"

**Insert:** "(b)"

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8. Page 4, line 6.

**Following:** "~~hand~~"

**Insert:** "upper extremity"

9. Page 4, line 7.

**Strike:** "(3) (a)"

**Insert:** "(c) (i)"

10. Page 4, line 10.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "treatments"

**Strike:** "with" on line 10

**Insert:** "under the direct supervision of"

11. Page 4, line 12.

**Strike:** "with"

**Insert:** "under the direct supervision of"

12. Page 4, line 14.

**Following:** line 13

**Insert:** "(2) A certified occupational therapy assistant who works under the direct supervision of a qualified occupational therapist may apply deep physical agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand."

And, as amended, do pass. Report adopted.

**HB 659**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "PENALIZING"

**Insert:** "REQUIRING REPAYMENT FROM"

**Strike:** "PUBLIC"

**Insert:** "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE"

2. Page 1, line 14.

**Following:** "(2)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (3), a"

**Strike:** "public assistance"

**Insert:** "temporary assistance for needy families cash assistance or childcare assistance, or both,"

**Strike:** "penalized in"

**Insert:** "required to pay"

3. Page 1, line 15.

**Strike:** "public assistance"

**Insert:** "temporary assistance for needy families cash assistance or childcare assistance"

4. Page 1, line 16.

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**Strike:** "program, except as"

**Insert:** "programs, provided that the error in any month does not exceed 150% of the recipient's monthly benefit amount. If the error exceeds 150% of the recipient's monthly benefit amount, the department may attempt to recover or reduce future benefits to recover the amount paid in excess of 150% of the monthly benefit amount. The department may not attempt to recover any excess payments covering a period of more than 3 months. The department may attempt to recover any payments"

And, as amended, do pass. Report adopted.

**HB 681**, introduced bill, be amended as follows:

1. Page 2, line 4.

**Strike:** "medications"

**Insert:** "drugs, as defined in 37-7-701,"

2. Page 2, line 6.

**Strike:** "medications"

**Insert:** "drugs"

3. Page 4, line 10.

**Strike:** "medications"

**Insert:** "drugs"

**Strike:** "medication"

And, as amended, do pass. Report adopted.

**HJR 31**, introduced joint resolution, be amended as follows:

1. Title, line 5.

**Strike:** "AUTHORIZING"

**Insert:** "ENCOURAGING"

2. Page 1, line 27.

**Strike:** "authorized"

**Insert:** "encouraged"

3. Page 2, line 7.

**Insert:** "BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services be encouraged to develop innovative programs in tribal communities."

And, as amended, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/25/2003

**HB 141**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "Except" through "a"

**Insert:** "A"

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2. Page 1, line 18.

**Strike:** "2 years"

**Insert:** "1 year"

3. Page 1, line 20 through page 2, line 2.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**HB 295**, introduced bill, be amended as follows:

1. Page 1, line 18 through line 23.

**Strike:** subsections (a) through (d) in their entirety

**Insert:** "(a) has an alcohol concentration of 0.30 or higher; or"

(b) was convicted within the last 10 years of both of the following offenses arising out of the same transaction:

(i) driving under the influence of alcohol, drugs, or a combination of alcohol and drugs; and

(ii) either negligent homicide or criminal endangerment and given a sentence making the offense a felony.

And, as amended, do pass. Report adopted.

**HB 553**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Following:** "ACT" on line 4

**Insert:** "REVISING THE LAWS GOVERNING THE TREATMENT OF ANIMALS;"

**Following:** "PROVIDING FOR" on line 4

**Strike:** remainder of line 4 through "FOR" on line 5

**Insert:** "A CIVIL HEARING CONCERNING THE"

**Strike:** "CONVICTED OF"

**Insert:** "CHARGED WITH"

2. Title, line 6.

**Strike:** "DEFINING"

**Insert:** "CREATING THE OFFENSE OF"

3. Title, lines 7 and 8.

**Following:** "PRACTICES;" on line 7

**Strike:** remainder of line 7 through "VETERINARIANS;" on line 8

4. Page 1, lines 12 through 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 1, line 21.

**Following:** "tormenting,"

**Insert:** "torturing,"

6. Page 1, lines 25 through 27.

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**Strike:** "species-specific" on line 25

**Following:** "food" on line 25

**Insert:** "and water"

**Strike:** "allow for" on line 25

**Insert:** "sustain the animal's"

**Following:** "normal" on line 25

**Strike:** remainder of line 25 through "council." on line 27

**Insert:** "health;"

7. Page 1, line 28 through line 29.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

8. Page 1, line 30.

**Strike:** "or a constructed shelter to protect"

**Insert:** "for"

9. Page 2, lines 1 and 2.

**Strike:** "including extreme heat or cold and wind or precipitation." on line 1

**Following:** "given to" on line 1

**Insert:** "the"

**Following:** "species" on line 1

**Strike:** remainder of line 1 through "composition" on line 2

10. Page 2, lines 3 and 4.

**Strike:** subsection (iv) in its entirety

**Renumber:** subsequent subsection

11. Page 2, line 16.

**Strike:** "(i)"

12. Page 2, lines 19 and 20.

**Strike:** subsection (ii) in its entirety

13. Page 2, line 25.

**Following:** "including"

**Insert:** "reasonable"

14. Page 2, lines 29 and 30.

**Strike:** "The" on line 29 through "shown" on line 30

**Insert:** "This section does not prohibit"

15. Page 3, line 7.

**Strike:** "or"

16. Page 3, lines 8 and 9.

**Following:** "activities" on line 8

**Strike:** remainder of line 8 through "shooting" on line 9

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**Insert:** "; or (i) accepted training and discipline methods"

17. Page 3, line 10 through line 29.

**Strike:** subsections (5) through (7) in their entirety

18. Page 3, line 30.

**Insert:** "NEW SECTION. Section 2. Aggravated animal cruelty. A person commits the offense of aggravated animal cruelty if the person:

(1) purposely or knowingly kills an animal with the purpose of terrifying, torturing, or mutilating the animal;

or

(2) inflicts cruelty to animals on a collection, kennel, or herd of 10 or more animals."

**Insert:** "NEW SECTION. Section 3. Animal welfare hearing. (1) When an animal is seized from a person pursuant to an arrest for an alleged violation of 45-8-211 or [section 2], the prosecutor may file petition for an animal welfare hearing in district court in the county where the arrest was made.

(2) The petition must contain:

(a) the purported facts regarding animal neglect and the current condition of the animal;

(b) any facts demonstrating the animal's extreme disease, injury, or suffering, if applicable; and

(c) the name and address of the respondent.

(3) If the court finds probable cause that the animal exhibits extreme disease, injury, or suffering, the court shall set the matter for hearing not more than 10 days after the petition was filed with the clerk of court. Otherwise, the court shall set the matter for hearing not more than 30 days after the petition was filed.

(4) At the hearing, the court may consider the following factors:

(a) the propriety of returning the animal to the owner given the alleged facts regarding abuse or neglect;

(b) the extent of the animal's disease, injury, or suffering, if applicable;

(c) the likelihood of viable treatment of the animal's condition, if applicable, based upon available veterinary testimony; and

(d) the availability of funding to provide for the animal's treatment, shelter, and care.

(5) Upon consideration of the factors listed in subsection (4), the court may order any of the following:

(a) immediate release of the animal to the owner;

(b) imposition of a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days from the date of seizure; or

(c) euthanization of severely diseased, injured, or suffering animals.

(6) A hearing pursuant to this section does not constitute an adjudication with regard to charges filed under 45-8-211 or [section 2]."

**Renumber:** subsequent section

19. Page 2, line 1.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "1"

**Insert:** "2"

20. Page 4, line 2.

**Strike:** "1"

**Insert:** "2"

21. Page 4, line 3.

**Following:** line 2

**Insert:** "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 1, part 4, and the provisions of

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Title 27, chapter 1, part 4, apply to [section 3]."

And, as amended, do pass. Report adopted.

**HB 667**, introduced bill, be amended as follows:

1. Page 5, line 5.

**Following:** "not"

**Insert:** "purposely or knowingly"

And, as amended, do pass. Report adopted.

**HB 695**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "NONECONOMIC" on line 5 through "AND" on line 6

2. Title, page 1, line 7.

**Following:** "ACTION"

**Insert:** "TEACHING IN A FIELD OR PRACTICING"

3. Page 1, line 11 through line 23.

**Strike:** lines 11 through 23 in their entirety

4. Page 1, line 27 through line 28.

**Strike:** "--" on line 27 through "care" on line 28

5. Page 1, line 29 through page 2, line 3.

**Strike:** ":" on page 1, line 29 through "(b)" on page 2, line 3

**Insert:** ", "

6. Page 2, line 5.

**Strike:** "practice time in a practice"

**Insert:** "time practicing or teaching in a field"

7. Page 2, line 7 through line 13.

**Strike:** "the" on line 7 through "'Health" on line 13

**Insert:** "'health"

8. Page 2, line 15 through line 17.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 697**, do pass. Report adopted.

**HB 733**, introduced bill, be amended as follows:

1. Page 1, line 4.



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**Strike:** "20"  
**Insert:** "4"

2. Page 1, line 19.  
**Strike:** "20"  
**Insert:** "4"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 545**, introduced bill, be amended as follows:

2/25/2003

1. Page 3, line 15.  
**Strike:** "\$10"  
**Insert:** "\$25"

2. Page 3, line 16.  
**Strike:** "\$30"  
**Insert:** "\$100"

3. Page 3, line 19.  
**Strike:** "\$10"  
**Insert:** "\$25"

4. Page 3, line 20.  
**Strike:** "\$30"  
**Insert:** "\$100"

And, as amended, do pass. Report adopted.

**HB 617**, do pass. Report adopted.  
**HB 669**, do pass. Report adopted.  
**HB 709**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/25/2003

**HB 602**, do pass. Report adopted.  
**HB 651**, do pass. Report adopted.  
**HB 662**, do pass. Report adopted.  
**HB 686**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 719**, do pass. Report adopted.  
**HB 734**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HJR 25**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**MOTIONS**

Representative R. Brown moved **HB 726** be taken from the Committee on Human Services and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

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Representative R. Brown moved **HB 405** be taken from the Committee on Natural Resources and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 216** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 629** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative Lindeen moved **HB 380** be taken from the Committee on Natural Resources and be placed on second reading Legislative Day 43. Motion (requiring a 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 55

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Maedje moved **HB 258** be taken from the Committee on Local Government and be rereferred to the Committee on Appropriations.

Representative Cohenour moved to table previous motion on **HB 258**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, Malcolm, McKenney, Mendenhall, Musgrove, Newman, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Schrumpf, Shockley, Small-Eastman, Smith, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Barrett, Becker, Brueggeman, Devlin, Forrester, Gallus, Galvin-Halcro, Golie, Hedges, Jackson, Keane, Lambert, Lange, Lehman, Lenhart, Maedje, Matthews, Morgan, Noennig, B. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wilson.

Total 31

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**UNFINISHED BUSINESS**

February 25, 2003

The Honorable Dave Wanzenried  
House Minority Leader  
State Capitol Building  
Helena, MT

Dear Representative Wanzenried:

Yesterday you asked me what the intentions of the majority are with regard to HB 74. The answer very quickly becomes enigmatic.

It is now apparent to everyone that the vast majority of House Democrats are not, under any circumstances, going to support using the Coal Tax Trust Fund. That being the case, I find myself for the first time this session, asking you to do something and then to get back to me.

Since your caucus finds itself unable to support any use of the Coal Tax Trust Fund, I would ask you, upon return from the coming transmittal break, to meet with me and present your proposals for balancing the 2004-2005 budget. Please provide me with appropriate specifics as to what budget reductions you would recommend, and what revenue enhancements (taxes, transfers, etc.) you would also recommend.

My understanding of a reasonable compromise is as follows: If I take a position at the number one and you take a position at the number ten, the complete compromise is found around five and one-half, not nine and not two.

To return to your original question, what happens to Representative Lewis' HB 74 depends to a large degree upon the quality of your upcoming proposals. HB 74 may be gone, or it could return. I do not know.

I look forward to meeting with you after the transmittal break.

Sincerely,

Doug Mood  
Speaker of the House

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**SPECIAL ORDERS OF THE DAY**

The following cosponsor was **deleted** from **HB 465**: Tester.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Wednesday, February 26, 2003. Motion carried.

House adjourned at 3:27 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 28, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Cohenour. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke, Jackson, Maedje, and Roberts, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/28/2003  
Correctly engrossed: **HB 19**.

**APPROPRIATIONS** (Lewis, Chairman): 2/27/2003  
**HB 624**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.

**Strike:** "DESCRIBING" on line 6 through "BUDGET;" on line 8

**Insert:** "PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 10-3-101, 10-3-312, AND 17-7-502, MCA;"

2. Page 1, line 13.

**Following:** "appropriation"

**Insert:** "— statutory appropriation"

**Following:** "."

**Insert:** "(1)"

3. Page 1, line 15.

**Strike:** "The"

**Insert:** "Except for the statutory appropriation in subsection (2), the"

4. Page 1.

**Following:** line 16

**Insert:** "(2) Up to \$12 million of the budget stabilization account is statutorily appropriated, as provided in 17-7-502, to the office of the governor to be used whenever an emergency or disaster is declared by the governor pursuant to Title 10, chapter 3, and the money may be expended by the governor pursuant to 10-3-312. The statutory appropriation in this subsection may be used by any state agency designated by the governor."

5. Page 1, line 18 through line 19.

**Strike:** "During" on line 18 through "additional" on line 19

**Insert:** "Beginning July 1, 2005, the department shall transfer"

6. Page 1, line 19.

**Strike:** "unrestricted"

7. Page 1, line 20.

**Strike:** "be set aside in"

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8. Page 1, line 21.

**Strike:** "After" through "for"

**Insert:** "At the end of"

9. Page 1, line 22.

**Strike:** "allocate"

**Insert:** "transfer"

10. Page 1, line 22 through line 24.

**Strike:** "50%" on line 22 through "fund." on line 24

**Insert:** "100% of the previous 2 fiscal years' revenue in excess of the most recent general fund revenue estimating resolutions for that biennium and adjusted for the fiscal impact of legislation that is passed and approved for the legislative session in which the most recent revenue estimating resolutions were adopted for that biennium."

11. Page 1, line 25 through line 26.

**Strike:** "5%" on line 25 through "biennium" on line 26

**Insert:** "10% of the previous 2 fiscal years' average general fund revenue"

12. Page 1, line 27.

**Strike:** "be allocated to"

**Insert:** "remain in"

13. Page 2, line 2 through line 11.

**Strike:** sections 3 and 4 in their entirety

14. Page 2.

**Following:** line 11

**Insert:** "**Section 3.** Section 10-3-101, MCA, is amended to read:

**"10-3-101. Declaration of policy.** Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action and natural disasters and in order to provide for prompt and timely reaction to an emergency or disaster, to ~~insure~~ ensure that preparation of this state will be adequate to deal with disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of this state, it is declared to be necessary to:

(1) authorize the creation of local or interjurisdictional organizations for disaster and emergency services in the political subdivisions of this state;

(2) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural disasters or ~~man-made~~ disasters caused by human activity;

(3) provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to, and recovery from emergencies and disasters;

(5) authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;

(6) authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;

(7) provide an emergency and disaster management system embodying all aspects of emergency or disaster prevention, preparedness, response, and recovery;

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(8) assist in prevention of disasters caused or aggravated by inadequate planning for public and private facilities and land use;

(9) supplement, without in any way limiting, authority conferred by previous statutes of this state and increase the capability of the state, local, and interjurisdictional disaster and emergency services agencies to perform disaster and emergency services; and

(10) authorize the payment of extraordinary costs and the temporary hiring, with statutorily appropriated funds under 10-3-312 and [section 1], of professional and technical personnel to meet the state's responsibilities in providing assistance in the response to, recovery from, and mitigation of disasters in either state or federal emergency or disaster declarations."

**Insert: "Section 4.** Section 10-3-312, MCA, is amended to read:

**"10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever an emergency or disaster is declared by the governor, there is statutorily appropriated, as provided in 17-7-502, to the office of the governor; ~~as provided in 17-7-502~~; and, subject to subsection (2) of this section, the governor is authorized to expend from the ~~general fund~~ budget stabilization account, provided for in [section 1], an amount not to exceed \$12 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. If the balance in the budget stabilization account is less than \$12 million in any biennium, the governor is authorized to expend from the general fund an amount not to exceed a total of \$12 million from the two sources. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated, as provided in 17-7-502, to the office of the governor; ~~as provided in 17-7-502~~; and the governor is authorized to expend from the general fund an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state agency designated by the governor."

**Insert: "Section 5.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; [section 1]; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that

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section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)""

**Renumber:** subsequent sections

15. Page 2, line 13.

**Strike:** "through 4"

**Insert:** "and 2"

16. Page 2, line 15.

**Strike:** "through 4"

**Insert:** "and 2"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/27/2003

**SB 239**, introduced by Mangan  
**SB 271**, introduced by Stapleton  
**SB 347**, introduced by Keenan  
**SB 350**, introduced by Grimes  
**SB 360**, introduced by F. Thomas  
**SB 362**, introduced by Grimes  
**SB 366**, introduced by Grimes  
**SB 381**, introduced by Keenan  
**SB 405**, introduced by Laible  
**SB 409**, introduced by Stapleton  
**SB 410**, introduced by Taylor  
**SB 411**, introduced by Glaser  
**SB 423**, introduced by Black  
**SB 431**, introduced by Elliott  
**SB 432**, introduced by Grimes  
**SB 447**, introduced by Grimes  
**SB 452**, introduced by Taylor  
**SB 455**, introduced by Cooney

**Senate joint resolutions** passed and transmitted to the House for concurrence:

2/27/2003

**SJR 7**, introduced by Laible  
**SJR 16**, introduced by Sprague  
**SJR 20**, introduced by Mahlum  
**SJR 21**, introduced by Cocchiarella  
**SJR 22**, introduced by McGee



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**SJR 24**, introduced by O'Neil  
**SJR 37**, introduced by Mahlum

**MESSAGES FROM THE GOVERNOR**

February 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 47** sponsored by Representative P. Clark, **House Bill 112** sponsored by Representative Pattison, **House Bill 151** sponsored by Representative B. Olson, **House Bill 217** sponsored by Representative Brueggeman, **House Bill 238** sponsored by Representative Andersen, **House Bill 248** sponsored by Representative Balyeat, and **House Bill 406** sponsored by Representative Waitschies on February 27, 2003.

Sincerely,

JUDY MARTZ  
Governor

February 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 79, "**AN ACT PROVIDING THAT AN INDIVIDUAL OR A NONPROFIT ORGANIZATION IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM THE INDIVIDUAL'S OR ORGANIZATION'S PLACEMENT OF A SIGN OR MARKER WARNING OF A HAZARD IN WATER LEGALLY ACCESSIBLE TO THE PUBLIC; PROVIDING CRITERIA FOR THE PLACEMENT OF THE SIGNS OR MARKERS; AND REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO INFORM THE PUBLIC OF THE PLACEMENT, USE, AND SIGNIFICANCE OF WATER HAZARD SIGNS AND MARKERS**" for the following reasons.

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**House bill 79 is pre-empted by federal law.** Federal law preempts state law in regard to aids to maritime navigation without first obtaining authority to do so from the federal government. See, 14 U.S.C.S. Section 83 (2003); see also, 33 CFR Section 66.01. Currently, there exist numerous federally designated waterways in the State of Montana under the jurisdiction of the United States Coast Guard. House Bill 79 fails to address these federally designated waterways. Moreover, House Bill 79 will give an erroneous belief that it is legal to establish "white plastic milk bottle" buoys in federally designated waterways.

I recommend an amendment to House Bill 79 that addresses the jurisdictional concerns that specify that the provisions of this section apply only to the waters of this state that have been determined to be navigable for purposes of federal jurisdiction.

**House Bill 79 to include an effective date.** I also recommend that this bill be amended to have an effective date on passage and approval.

I have enclosed my amendments to that effect. Please be advised that Representative Jackson, the sponsor of the bill, has been informed of my recommendations and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 79

1. Title, line 7.

**Following:** "WATER"

**Insert:** "THAT IS UNDER THE JURISDICTION OF THE STATE AND THAT IS"

2. Title, line 8.

**Following:** "MARKERS;"

**Strike:** "AND"

3. Title, line 9.

**Following:** "MARKERS"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 5.

**Insert:** "(3) The provisions of this section apply only to the waters of this state that have not been determined to be navigable for purposes of federal jurisdiction over navigation aids."

5. Page 2, line 9.

**Insert:** "NEW SECTION. Section 3. {standard} Effective date. [This act] is effective on passage and approval."

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 745**, introduced by Franklin, Grimes, Schmidt, referred to Appropriations.

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**HB 746**, introduced by Lewis, referred to Appropriations.

Majority Leader Brown moved that the House recess until 8:40 a.m. for caucuses. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 8:41 a.m. All members present, except Representatives Bookout-Reinicke, Jackson, and Roberts, excused. Quorum present.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 517**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Newman, Sales, Sinrud.  
Total 4

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 630**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, P. Clark, Wanzenried.  
Total 3

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Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: Franklin.  
Total 1

**HB 635**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 649**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 656**, from consent calendar, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Becker, Bixby, Buzzas, P. Clark, Galvin-Halcro, Golie, Newman, Smith.

Total 8

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 686**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, R. Brown, E. Clark, Devlin, Everett, Kasten, Laszloffy, Rice, Sales, Waitschies.

Total 10

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 731**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 94

Noes: Balyeat, Kasten, Sales.

Total 3

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 734**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Kasten, Pattison, Sales, Sinrud.

Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HJR 25**, from consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Mr. Speaker.

Total 79

Noes: Balyeat, Bergren, D. Brown, R. Brown, Dickenson, Everett, Fritz, Fuchs, Hawk, Kasten, Laszloffy, Maedje, Raser, Sales, Wagman, Windy Boy, Witt, Younkin.

Total 18

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

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Absent or not voting: None.  
Total 0

**HJR 26**, from consent calendar, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Kasten, Lewis, Sales, Shockley.  
Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 545** passed as follows:

Ayes: Andersen, Barrett, Becker, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Weiss, Wilson.  
Total 42

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 205** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 92

Noes: Malcolm, Rice, Sinrud, Steinbeisser, Witt.

Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 660** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 81

Noes: Barrett, D. Brown, Cyr, Fuchs, Hawk, Hurwitz, Kasten, Lehman, Malcolm, A. Olson, Rice, Ripley, Rome, Ross, Steinbeisser, Witt.

Total 16

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 673** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Haines, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,



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Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 141** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Erickson, Jayne, Sales.

Total 3

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 241** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Ballantyne, Dickenson, Hawk, Malcolm, Mendenhall.

Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

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Absent or not voting: None.  
Total 0

**HB 352** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 87

Noes: Devlin, Kasten, Malcolm, A. Olson, Rice, Ripley, Ross, Smith, Steinbeisser, Witt.  
Total 10

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 486** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 494** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Lewis.  
Total 1

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 524** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Jayne, Juneau.  
Total 2

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 553** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 79

Noes: Balyeat, Barrett, Devlin, Hawk, Hedges, Kasten, Laszloffy, Mendenhall, A. Olson, Pattison, Rice, Ripley, Rome,

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Ross, Steinbeisser, Wagman, Waitschies, Mr. Speaker.  
Total 18

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 598** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: D. Brown, Fisher, Fritz, Raser, Wanzenried.  
Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 599** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Buzzas, Callahan, P. Clark, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Jayne, Kaufmann, Keane, Lawson, Steinbeisser, Wanzenried.  
Total 14

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.

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Total 0

**HB 610** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, Becker, Everett, Hawk, Kasten, Lawson, Mendenhall, B. Olson, Pattison, Rice, Sales, Sinrud, Smith, Waitschies.

Total 14

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 617** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 37

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 641** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews,

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McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Andersen, Balyeat, D. Brown, Brueggeman, P. Clark, Fritz, Jayne, Jent, Kasten, Malcolm, A. Olson, Pattison, Sales, Steinbeisser, Wagman.

Total 15

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 659** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Kasten, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 45

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 661** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Mendenhall, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

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Total 40

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 675** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 57

Noes: Andersen, Balyeat, Barrett, Bitney, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.

Total 40

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 676** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: B. Olson.

Total 1

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

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**HB 677** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Rice, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Everett, Fisher, Fuchs, Hawk, Lawson, A. Olson, B. Olson, Pattison, Ripley, Rome, Sinrud, Steinbeisser, Waitschies.

Total 13

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 678** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Andersen, Balyeat, A. Olson, B. Olson, Ross, Sales.

Total 6

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 680** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B.



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Olson, Parker, Peterson, Raser, Rice, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, D. Brown, Fisher, Fuchs, Hawk, Jayne, Juneau, Maedje, Pattison, Ripley, Rome, Sales, Sinrud, Waitschies.

Total 14

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 683** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Maedje, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 38

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 695** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Maedje, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

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Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 709** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: R. Brown, Everett, Hawk, Kasten, Laszloffy, Pattison, Rice, Ripley, Rome, Sinrud, Steinbeisser, Waitschies.  
Total 12

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 712** passed as follows:

Ayes: Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrupf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 49

Noes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lindeen, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 48

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HB 720** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett,

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Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HB 733** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Carney, P. Clark, Cyr, Erickson, Galvin-Halcro, Gutsche, Harris, Juneau, Kaufmann, Matthews, Musgrove.

Total 11

Excused: Bookout-Reinicke, Jackson, Roberts.

Total 3

Absent or not voting: None.

Total 0

**HJR 28** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

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Noes: None.  
Total 0

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HJR 29** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Hawk, Kasten, Pattison, Sales, Sinrud.  
Total 6

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**HJR 31** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Rice, Ripley, Shockley, Sinrud, Steinbeisser.  
Total 5

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.

HOUSE JOURNAL  
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Total 0

**HJR 32** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Dowell, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 20

Excused: Bookout-Reinicke, Jackson, Roberts.  
Total 3

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, March 5, 2003. Motion carried.

House adjourned at 9:06 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 5, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Carney, Dowell, Harris, and Lambert, excused. Quorum present.

Mr. Speaker introduced the Montana Logging & Ballet Company who then performed for the House. This internationally known singing group performs political satire and is comprised of all native born Montanans: Rusty Harper, Tim Holmes and Bob Fitzgerald. Their special connection with Bishop Desmond Tutu of South Africa has had them performing benefit concerts in Washington D.C. and here and they are a regular on Montana Public Radio.

Mr. Speaker introduced the Public Information Officers from the Republic of Georgia. The International Republican Institute, in conjunction with Secretary of State Bob Brown, have brought these members to Helena for the purpose of acquainting them with how governmental tasks are communicated between government agencies, with the press, and with the public. The week they will spend in Helena will be followed by a week in Washington, D.C.

Mr. Speaker introduced this weeks pages:

Samantha Blough, Victor  
Christie Foroszowsky, Great Falls  
Matthew Palmer, Troy  
Brittany Scalabrin, Butte  
Michael Torre, Livingston  
Sarah Zerbe, Frazer  
Jackie Woyth, Great Falls

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):  
Correctly engrossed: **HB 624.**

3/5/2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/28/2003

**SB 46**, introduced by Gebhardt  
**SB 277**, introduced by Curtiss  
**SB 314**, introduced by McCarthy  
**SB 330**, introduced by Mangan  
**SB 341**, introduced by F. Thomas  
**SB 349**, introduced by Anderson  
**SB 359**, introduced by Cromley  
**SB 370**, introduced by Gebhardt  
**SB 375**, introduced by Elliott  
**SB 386**, introduced by Gebhardt

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**SB 387**, introduced by Cobb  
**SB 392**, introduced by Bales  
**SB 394**, introduced by Perry  
**SB 395**, introduced by Perry  
**SB 402**, introduced by Cocchiarella  
**SB 415**, introduced by F. Thomas  
**SB 422**, introduced by Black  
**SB 428**, introduced by Esp  
**SB 429**, introduced by Esp  
**SB 430**, introduced by Ellingson  
**SB 441**, introduced by D. Ryan  
**SB 442**, introduced by Stonington  
**SB 444**, introduced by Tester  
**SB 449**, introduced by Cooney  
**SB 450**, introduced by Cocchiarella  
**SB 456**, introduced by Esp

**Senate joint resolutions** passed and transmitted to the House for concurrence:

2/28/2003

**SJR 25**, introduced by Bohlinger  
**SJR 26**, introduced by Bohlinger  
**SJR 27**, introduced by Johnson

**MESSAGES FROM THE GOVERNOR**

February 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 114** sponsored by Representative Jent on February 27, 2003.

Sincerely,

JUDY MARTZ  
Governor

February 28, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - MARCH 5, 2003

Dear Representative Mood:

Please be informed that I have signed **House Bill 22** sponsored by Representative Kaufmann, **House Bill 51** sponsored by Representative E. Clark, **House Bill 80** sponsored by Representative Jackson, and **House Bill 121** sponsored by Representative E. Clark on February 28, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 1:55 p.m. for caucuses. Motion carried.

House recessed at 1:22 p.m.

House reconvened at 1:55 p.m. All members present, except Representatives Bitney, Dowell, Harris, and Lambert, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 60** - Representative McKenney moved **HB 60** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, D. Brown, R. Brown, Everett, Kasten, Lewis, Sales.

Total 7

Voted Absentee: Bitney, Dowell, Harris, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fisher, Haines.

Total 3



HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - MARCH 5, 2003

**HB 160** - Representative R. Brown moved consideration of **HB 160** be placed at the bottom of the second reading board. Motion carried.

**HB 176** - Representative Pattison moved **HB 176** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Bitney, Dowell, Harris, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fisher, Haines, Maedje.

Total 4

**HB 376** - Representative B. Olson moved **HB 376** do pass. Motion **failed** as follows:

Ayes: Andersen, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Forrester, Fuchs, Gallus, Hedges, Hurwitz, Jackson, Kasten, Keane, Lambert, Lange, Lawson, Matthews, McKenney, Noennig, A. Olson, B. Olson, Peterson, Rome, Ross, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin.

Total 34

Noes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 66

Voted Absentee: Bitney, Lambert, Ayes; Dowell, Harris, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - MARCH 5, 2003

**HB 160** - Representative R. Brown moved consideration of **HB 160** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Newman.

Total 1

Excused: Bitney, Dowell, Harris, Lambert.

Total 4

Absent or not voting: Bookout-Reinicke.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, March 6, 2003. Motion carried.

House adjourned at 2:27 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 6, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Dickenson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Harris, Maedje, and Rice, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fortieth, forty-first, and forty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/6/2003

**SB 40**, be concurred in. Report adopted.

**SB 51**, be concurred in. Report adopted.

**EDUCATION** (Andersen, Chairman): 3/6/2003

**SB 41**, be concurred in. Report adopted.

**SB 42**, be concurred in. Report adopted.

**SB 43**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman): 3/6/2003

**SB 17**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 38**, be concurred in and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 5, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 108** sponsored by Representative A. Olson and **House Bill 181** sponsored by Representative B. Thomas on March 5, 2003.

Sincerely,

JUDY MARTZ  
Governor

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 6, 2003

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 46**, introduced by Gebhardt, referred to Business and Labor.

**SB 100**, introduced by Grimes (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 101**, introduced by Mahlum, referred to Business and Labor.

**SB 102**, introduced by McNutt (by request of the Department of Transportation), referred to Transportation.

**SB 103**, introduced by Laible (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 104**, introduced by Tester (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 105**, introduced by Johnson (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 107**, introduced by Roush, referred to Transportation.

**SB 108**, introduced by McNutt (by request of the Department of Labor and Industry), referred to Business and Labor.

**SB 109**, introduced by McNutt (by request of the Department of Labor and Industry), referred to Business and Labor.

**SB 110**, introduced by Toole (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 111**, introduced by Nelson (by request of the State Auditor), referred to Human Services.

**SB 112**, introduced by McCarthy, referred to Local Government.

**SB 113**, introduced by Esp (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 114**, introduced by Johnson, referred to Local Government.

**SB 115**, introduced by Mahlum (by request of the Governor), referred to Business and Labor.

**SB 117**, introduced by Cobb (by request of the Department of Administration), referred to State Administration.

**SB 118**, introduced by DePratu (by request of the Department of Justice), referred to Transportation.

**SB 120**, introduced by Glaser, referred to Education.

**SB 121**, introduced by Glaser (by request of the Department of Revenue), referred to Taxation.

**SB 122**, introduced by Tash (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**SB 277**, introduced by Curtiss, referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 20**, introduced by Mahlum, referred to Education.

**SJR 21**, introduced by Cocchiarella, Andersen, Barkus, Bookout-Reinicke, Cooney, Cromley, DePratu, Ellingson, Elliott, Gillan, Glaser, Haines, Hansen, Harrington, Jacobson, Jayne, Kaufmann, Keenan, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, A. Olson, Pattison, Pease, Roush, D. Ryan, Schmidt, Shea, Small-Eastman, Sprague, Squires, Stonington, Tester, F. Thomas, Toole, Tropila, Wheat, Witt, referred to Human Services.

**SJR 24**, introduced by O'Neil, Barkus, Black, Butcher, Curtiss, Jackson, Juneau, Kitzenberg, Pease, Roush, referred to Federal Relations, Energy, and Telecommunications.

**SJR 25**, introduced by Bohlinger (by request of the Senate Local Government Standing Committee), referred to Local Government.

**SJR 26**, introduced by Bohlinger (by request of the Senate Local Government Standing Committee), referred to Local Government.

**SJR 27**, introduced by Johnson, Mahlum, Toole (by request of the Senate Business and Labor Standing Committee), referred to State Administration.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 6, 2003

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Becker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 160** - Representative Haines moved **HB 160** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Barrett, R. Brown, Everett, Fuchs, Hawk, Hurwitz, A. Olson, Ross, Sales, Sinrud.

Total 11

Voted Absentee: Harris, Maedje, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

Representative Maedje present at this time.

**HB 19** - Representative Kasten moved **HB 19** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

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Voted Absentee: Rice, Aye; Harris, No.

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

**HB 29 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Harris, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**HB 59 - Senate Amendments** - Representative Erickson moved Senate amendments to **HB 59** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Voted Absentee: Harris, Rice, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 94 - Senate Amendments** - Representative Lawson moved Senate amendments to **HB 94** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Ripley.  
Total 1

Voted Absentee: Harris, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 249** - Representative Barrett moved **HB 249** do pass. Motion **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallik, Gallus, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 50

Voted Absentee: Rice, Aye; Harris, No.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 381** - Representative Fuchs moved consideration of **HB 381** be passed for the day. Motion carried.

**HB 391** - Representative Balyeat moved **HB 391** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Harris, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 429** - Representative Kasten moved **HB 429** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Cohenour, Galvin-Halcro, Jackson, Laslovich, Sales, Weiss.  
Total 7

Voted Absentee: Harris, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.



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Total 0

**HB 452** - Representative Raser moved **HB 452** do pass.

Representative Raser moved **HB 452**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Following:** "[section 1]"

**Insert:** "in an amount equal to 30% of the amount donated by the taxpayer during the year to the developmental disability services account established in [section 1]"

2. Page 1, line 29 through line 30.

**Strike:** "THE" on line 29 through "15-30-166" on line 30

**Insert:** "The maximum credit that may be claimed by the taxpayer is \$10,000"

3. Page 2, line 1.

**Following:** "DEDUCTION"

**Insert:** "under 15-30-121(1), 15-30-136(2), or 15-31-114"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Barrett, Devlin, Everett, Fisher, Laszloffy, Sales, Sinrud, Stoker, Wagman.

Total 10

Excused: Harris, Rice.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 452**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

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Total 84

Noes: Devlin, Hedges, Lehman, Pattison, Ripley, Rome, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 15

Voted Absentee: Harris, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**HB 554** - Representative Kasten moved **HB 554** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Gillan.

Total 1

Voted Absentee: Harris, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Everett, Forrester.

Total 2

**HB 616** - Representative Younkin moved **HB 616** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Noes: Balyeat, Bookout-Reinicke, D. Brown, Callahan, Fisher, Fuchs, Galvin-Halcro, Golie, Haines, Hawk, Jayne,

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Kasten, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, Noennig, Sales, Sinrud, Witt.  
Total 22

Voted Absentee: Harris, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Becker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Franklin, Galvin-Halcro, Gillan, Golie, Jayne, Ryan, Sales.  
Total 7

Excused: Harris, Rice.  
Total 2

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 60** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 91

Noes: Balyeat, D. Brown, R. Brown, Everett, Fisher, Kasten, Sales.

Total 7

Excused: Harris, Rice.

Total 2

Absent or not voting: None.

Total 0

**HB 176** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Harris, Rice.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Brueggeman moved to reconsider action on **HB 249** and that it be placed on second reading Legislative Day 48. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallik, Gallus, Haines, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Matthews, Parker, Raser, Smith, Wanzenried, Windy Boy.

Total 37

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Excused: Harris, Rice.  
Total 2

Absent or not voting: Morgan, Small-Eastman, Weiss.  
Total 3

**SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 41, SB 42, SB 43.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, March 7, 2003. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 5, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Carney, Dowell, Harris, and Lambert, excused. Quorum present.

Mr. Speaker introduced the Montana Logging & Ballet Company who then performed for the House. This internationally known singing group performs political satire and is comprised of all native born Montanans: Rusty Harper, Tim Holmes and Bob Fitzgerald. Their special connection with Bishop Desmond Tutu of South Africa has had them performing benefit concerts in Washington D.C. and here and they are a regular on Montana Public Radio.

Mr. Speaker introduced the Public Information Officers from the Republic of Georgia. The International Republican Institute, in conjunction with Secretary of State Bob Brown, have brought these members to Helena for the purpose of acquainting them with how governmental tasks are communicated between government agencies, with the press, and with the public. The week they will spend in Helena will be followed by a week in Washington, D.C.

Mr. Speaker introduced this weeks pages:

Samantha Blough, Victor  
Christie Foroszowsky, Great Falls  
Matthew Palmer, Troy  
Brittany Scalabrin, Butte  
Michael Torre, Livingston  
Sarah Zerbe, Frazer  
Jackie Woyth, Great Falls

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):  
Correctly engrossed: **HB 624.**

3/5/2003

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/28/2003

**SB 46**, introduced by Gebhardt  
**SB 277**, introduced by Curtiss  
**SB 314**, introduced by McCarthy  
**SB 330**, introduced by Mangan  
**SB 341**, introduced by F. Thomas  
**SB 349**, introduced by Anderson  
**SB 359**, introduced by Cromley  
**SB 370**, introduced by Gebhardt  
**SB 375**, introduced by Elliott  
**SB 386**, introduced by Gebhardt

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**SB 387**, introduced by Cobb  
**SB 392**, introduced by Bales  
**SB 394**, introduced by Perry  
**SB 395**, introduced by Perry  
**SB 402**, introduced by Cocchiarella  
**SB 415**, introduced by F. Thomas  
**SB 422**, introduced by Black  
**SB 428**, introduced by Esp  
**SB 429**, introduced by Esp  
**SB 430**, introduced by Ellingson  
**SB 441**, introduced by D. Ryan  
**SB 442**, introduced by Stonington  
**SB 444**, introduced by Tester  
**SB 449**, introduced by Cooney  
**SB 450**, introduced by Cocchiarella  
**SB 456**, introduced by Esp

**Senate joint resolutions** passed and transmitted to the House for concurrence:

2/28/2003

**SJR 25**, introduced by Bohlinger  
**SJR 26**, introduced by Bohlinger  
**SJR 27**, introduced by Johnson

**MESSAGES FROM THE GOVERNOR**

February 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 114** sponsored by Representative Jent on February 27, 2003.

Sincerely,

JUDY MARTZ  
Governor

February 28, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

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FORTY-SIXTH LEGISLATIVE DAY - MARCH 5, 2003

Dear Representative Mood:

Please be informed that I have signed **House Bill 22** sponsored by Representative Kaufmann, **House Bill 51** sponsored by Representative E. Clark, **House Bill 80** sponsored by Representative Jackson, and **House Bill 121** sponsored by Representative E. Clark on February 28, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 1:55 p.m. for caucuses. Motion carried.

House recessed at 1:22 p.m.

House reconvened at 1:55 p.m. All members present, except Representatives Bitney, Dowell, Harris, and Lambert, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 60** - Representative McKenney moved **HB 60** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, D. Brown, R. Brown, Everett, Kasten, Lewis, Sales.

Total 7

Voted Absentee: Bitney, Dowell, Harris, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fisher, Haines.

Total 3



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**HB 160** - Representative R. Brown moved consideration of **HB 160** be placed at the bottom of the second reading board. Motion carried.

**HB 176** - Representative Pattison moved **HB 176** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Bitney, Dowell, Harris, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fisher, Haines, Maedje.

Total 4

**HB 376** - Representative B. Olson moved **HB 376** do pass. Motion **failed** as follows:

Ayes: Andersen, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Forrester, Fuchs, Gallus, Hedges, Hurwitz, Jackson, Kasten, Keane, Lambert, Lange, Lawson, Matthews, McKenney, Noennig, A. Olson, B. Olson, Peterson, Rome, Ross, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin.

Total 34

Noes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 66

Voted Absentee: Bitney, Lambert, Ayes; Dowell, Harris, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - MARCH 5, 2003

**HB 160** - Representative R. Brown moved consideration of **HB 160** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Newman.

Total 1

Excused: Bitney, Dowell, Harris, Lambert.

Total 4

Absent or not voting: Bookout-Reinicke.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, March 6, 2003. Motion carried.

House adjourned at 2:27 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 8, 2003

House Chambers  
State Capitol

House convened at 7:30 a.m. Mr. Speaker in the Chair. Invocation by Representative E. Clark. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Cyr, Dickenson, Gallus, Gillan, Harris, Lange, Lenhart, Lewis, Rice, Windy Boy, and Younkin, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/7/2003  
Correctly engrossed: **SB 47**.

**JUDICIARY** (Shockley, Chairman): 3/7/2003  
**SB 20**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 32**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 49**, be concurred in and be placed on the consent calendar. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/7/2003  
**SB 14**, be concurred in. Report adopted.  
**SB 69**, be concurred in and be placed on the consent calendar. Report adopted.

**TAXATION** (Fuchs, Chairman): 3/8/2003  
**SB 31**, be concurred in and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**House bill** concurred in and returned to the House: 3/8/2003  
**HB 150**, introduced by Lawson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 748**, introduced by Devlin, Bales, Forrester, Gebhardt, Hedges, Kitzenberg, Lambert, Lindeen, Maedje, Mangan, McCarthy, McNutt, Nelson, A. Olson, Pattison, Shea, Smith, referred to Taxation.  
**HB 749**, introduced by Peterson, Bales, R. Brown, Devlin, Facey, Forrester, Fuchs, Gillan, Glaser, Lake, Lambert, Mendenhall, A. Olson, Ross, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 452** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Mr. Speaker.

Total 76

Noes: D. Brown, Devlin, Fisher, Jackson, Lehman, Pattison, Ripley, Rome, Sales, Sinrud, Steinbeisser, Waitschies, Witt.

Total 13

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lange, Lenhart, Lewis, Rice, Windy Boy, Younkin.

Total 11

Absent or not voting: None.

Total 0

**SB 41**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.

Total 89

Noes: None.

Total 0

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lange, Lenhart, Lewis, Rice, Windy Boy, Younkin.

Total 11

Absent or not voting: None.

Total 0

**SB 42**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss,

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Wilson, Witt, Mr. Speaker.  
Total 89

Noes: None.  
Total 0

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lange, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 11

Absent or not voting: None.  
Total 0

**SB 43**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 87

Noes: Balyeat, Sales.  
Total 2

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lange, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 11

Absent or not voting: None.  
Total 0

**HB 79, as amended by the Governor**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 35

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

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Absent or not voting: None.  
Total 0

**HB 106, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 116, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Laszloffy, Morgan, Pattison, Sales, Sinrud, Waitschies.  
Total 13

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 128, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz,

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Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Mr. Speaker.  
Total 88

Noes: Gutsche, Wanzenried.  
Total 2

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 149, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 479** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 90

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Noes: None.  
Total 0

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 624** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, Everett, Lake, Sales, Steinbeisser, Stoker, Waitschies.  
Total 7

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0

**HB 642** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lindeen, Maedje, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Wilson, Witt, Mr. Speaker.  
Total 65

Noes: Balyeat, Becker, Bergren, Bixby, D. Brown, R. Brown, Dowell, Everett, Fisher, Gutsche, Jayne, Jent, Juneau, Kaufmann, Laszloffy, Lawson, Malcolm, Mendenhall, Morgan, Musgrove, Raser, Roberts, Sales, Wagman, Wanzenried.  
Total 25

Excused: Cyr, Dickenson, Gallus, Gillan, Harris, Lenhart, Lewis, Rice, Windy Boy, Younkin.  
Total 10

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 8, 2003

**SPECIAL ORDERS OF THE DAY**

The following bill was placed on the consent calender: **SB 27**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, March 10, 2003. Motion carried.

House adjourned at 7:46 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 7, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation sung by Pastor Bill Warren from the United Methodist Church of Hobson, Montana. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, and Windy Boy, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-third, forty-fourth, and forty-fifth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/7/2003  
Correctly printed: **SB 17, SB 38, SB 40, SB 41, SB 42, SB 43, SB 51.**  
Correctly enrolled: **HB 87.**  
Examined by the sponsor and found to be correct: **HB 87.**  
Signed by the Speaker at 11:15 p.m., March 7, 2003: **HB 87.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/7/2003  
**SB 21**, be concurred in and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/6/2003  
**SB 3**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 10**, be concurred in. Report adopted.  
**SB 19**, be concurred in and be placed on the consent calendar. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/7/2003  
**SB 33**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 45**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 47**, be amended as follows:

1. Page 3, line 5.  
**Strike:** "\$25,000"  
**Insert:** "\$8,000"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/6/2003  
**SB 5**, be concurred in. Report adopted.  
**SB 27**, be concurred in and be placed on the consent calendar. Report adopted.

**TAXATION** (Fuchs, Chairman): 3/6/2003  
**HJR 34**, be adopted. Report adopted.

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**MESSAGES FROM THE SENATE**

**House bill** concurred in and returned to the House: 3/6/2003

**HB 87**, introduced by Jent

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/6/2003

**HB 321**, introduced by Younkin

**MESSAGES FROM THE GOVERNOR**

March 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 311, "AN ACT INCLUDING EGGNOG IN THE DEFINITION OF "CLASS I MILK" INSTEAD OF IN THE DEFINITION OF "CLASS II MILK" TO CORRELATE WITH FEDERAL STANDARDS; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ASSESS A FEE FOR ALL CLASSES OF MILK SOLD BY A PERSON LICENSED BY THE DEPARTMENT TO BE USED FOR THE ADMINISTRATION OF THE MILK INSPECTION AND MILK DIAGNOSTIC LABORATORY FUNCTIONS OF THE DEPARTMENT; PROVIDING THAT THE FEE MUST BE ESTABLISHED COMMENSURATE WITH COSTS OF THE PROGRAM; REQUIRING LICENSEES TO REPORT TO THE DEPARTMENT ON A MONTHLY BASIS THE VOLUME OF MILK PRODUCED; AMENDING SECTIONS 81-23-101 AND 81-23-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.

**House Bill 311 to include an effective date of July 1, 2003.** I recommend that House Bill 311 be amended to have an effective date of July 1, 2003. This bill has a current effective date on passage and approval, and if stands, will create a revenue shortfall for the last quarter of FY03 in the Department of Livestock, Milk Control Bureau. Currently, fees are collected for the Department of Livestock *after* production and reporting--consequently, a FY quarter in arrears. An effective date of July 1, 2003 allows time for necessary rule changes to take place and allows time for a FY04 (July 1, 2003) implementation date. This will assure that current revenue income and operation will not be interrupted.

I have enclosed my amendment to that effect. Please be advised that Representative Stoker, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

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FORTY-EIGHTH LEGISLATIVE DAY - MARCH 7, 2003

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 311

1. Title, line 11.

**Strike:** "IMMEDIATE"

2. Page 4, line 11.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 747**, introduced by Fuchs, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 35**, introduced by Bixby, Small-Eastman, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 125**, introduced by Tester (by request of the State Auditor), referred to Business and Labor.

**SB 126**, introduced by Story (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**SB 128**, introduced by Mahlum, referred to Judiciary.

**SB 130**, introduced by McGee (by request of Department of Fish, Wildlife, and Parks, the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 131**, introduced by Barkus (by request of the Governor), referred to Business and Labor.

**SB 132**, introduced by McNutt (by request of the Department of Administration), referred to Federal Relations, Energy, and Telecommunications.

**SB 133**, introduced by Zook (by request of the Department of Corrections), referred to Federal Relations, Energy, and Telecommunications.

**SB 135**, introduced by F. Thomas (by request of the Legislative Finance Committee), referred to Appropriations.

**SB 137**, introduced by DePratu (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 138**, introduced by Cobb, referred to Federal Relations, Energy, and Telecommunications.

**SB 139**, introduced by Shea (by request of the Department of Corrections), referred to Judiciary.

**SB 141**, introduced by Wheat (by request of the Department of Justice), referred to Judiciary.

**SB 142**, introduced by McNutt (by request of the Department of Administration), referred to State Administration.

**SB 143**, introduced by Bohlinger (by request of the State Auditor), referred to Business and Labor.

**SB 144**, introduced by Barkus (by request of the State Auditor), referred to Business and Labor.

**SB 145**, introduced by Bohlinger (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 146**, introduced by Anderson (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 149**, introduced by Barkus (by request of the Legislative Council), referred to State Administration.

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**SB 150**, introduced by Johnson (by request of the Department of Natural Resources and Conservation), referred to Local Government.

**SB 151**, introduced by Mahlum (by request of the State Auditor), referred to Business and Labor.

**SB 152**, introduced by Cocchiarella (by request of the Department of Revenue), referred to Taxation.

**SB 159**, introduced by Johnson, referred to Taxation.

**SB 160**, introduced by Cobb, referred to State Administration.

**SB 162**, introduced by Story, referred to Taxation.

**SB 163**, introduced by Mangan, referred to Local Government.

**SB 166**, introduced by Bales, Kasten, Lenhart, McNutt, Steinbeisser, referred to Fish, Wildlife and Parks.

**SB 168**, introduced by Stonington, Gebhardt, referred to Local Government.

**SB 172**, introduced by McNutt, referred to Business and Labor.

**SB 173**, introduced by McNutt, referred to Federal Relations, Energy, and Telecommunications.

**SB 180**, introduced by D. Ryan, Cobb, Schmidt, Shea, referred to Business and Labor.

**SB 183**, introduced by Bohlinger, referred to Education.

**SB 184**, introduced by Butcher, Anderson, Black, Fisher, Gebhardt, Haines, Hedges, Kasten, Keenan, Laible, Lehman, McGee, Pattison, Perry, Ripley, Sinrud, Story, Taylor, B. Thomas, referred to Fish, Wildlife and Parks.

**SB 188**, introduced by Cocchiarella, Glaser, Golie, Lange, referred to Business and Labor.

**SB 190**, introduced by Bohlinger, Schrumpf, referred to Business and Labor.

**SB 191**, introduced by O'Neil, referred to Human Services.

**SB 192**, introduced by O'Neil, referred to Human Services.

**SB 194**, introduced by Tash, McCarthy, Younkin, referred to Natural Resources.

**SB 197**, introduced by Perry, Black, Bookout-Reinicke, Butcher, Curtiss, DePratu, Keane, Lindeen, McGee, Mendenhall, A. Olson, Roush, Sales, Smith, Wheat, Younkin, referred to Local Government.

**SB 198**, introduced by Stonington, referred to Federal Relations, Energy, and Telecommunications.

**SB 204**, introduced by Taylor, referred to State Administration.

**SB 205**, introduced by Cobb, referred to Education.

**SB 206**, introduced by Anderson, Gebhardt, referred to Natural Resources.

**SB 209**, introduced by Tester, Pattison, Balyeat, Barrett, D. Brown, Brueggeman, Devlin, Ellingson, Esp, Everett, Facey, Fisher, Harrington, Hedges, Jackson, Jacobson, Kasten, Malcolm, Musgrove, Nelson, Ripley, Ross, Sales, Stapleton, Steinbeisser, Stoker, Wanzenried, Witt, referred to Fish, Wildlife and Parks.

**SB 211**, introduced by Hansen, referred to Local Government.

**SB 213**, introduced by Nelson, Lambert, Ballantyne, Black, Golie, Hedges, Kitzenberg, Lenhart, Roush, Tester, Tropila, Witt, referred to Agriculture.

**SB 216**, introduced by Cocchiarella, Bergren, Elliott, Facey, Galvin-Halcro, Glaser, Keane, Keenan, Kitzenberg, Laible, Mahlum, Matthews, McNutt, Shea, Tash, F. Thomas, Wanzenried, referred to Business and Labor.

**SB 217**, introduced by Mahlum, Bohlinger, Cooney, referred to Transportation.

**SB 220**, introduced by F. Thomas, R. Brown, Brueggeman, DePratu, Ellingson, Fuchs, Keenan, Laszloffy, McNutt, Stonington, Story, Tester, Wheat, referred to Federal Relations, Energy, and Telecommunications.

**SB 221**, introduced by Kitzenberg, referred to Fish, Wildlife and Parks.

**SB 222**, introduced by Bohlinger, Rice, Black, Gebhardt, Laible, Mahlum, Perry, Sinrud, Stonington, Tash, Tester, Wanzenried, Wheat, referred to Local Government.

**SB 223**, introduced by McNutt, Raser, Buzzas, Gebhardt, Haines, Tester, Wanzenried, referred to Judiciary.

**SB 226**, introduced by DePratu, Bergren, Bookout-Reinicke, Brueggeman, Carney, P. Clark, Cocchiarella, Cooney, Golie, Juneau, Kitzenberg, Laible, Lenhart, Mahlum, McCarthy, Musgrove, Pattison, Pease, Rice, Ripley, D. Ryan, Wilson, Windy Boy, referred to Business and Labor.

**SB 229**, introduced by F. Thomas, R. Brown, referred to Business and Labor.

**SB 230**, introduced by Cromley, referred to Business and Labor.

**SB 231**, introduced by Cromley, referred to Business and Labor.

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**SB 232**, introduced by Mahlum, referred to Business and Labor.  
**SB 235**, introduced by Bohlinger, referred to Business and Labor.  
**SB 238**, introduced by Mangan, referred to Judiciary.  
**SB 239**, introduced by Mangan, referred to State Administration.  
**SB 241**, introduced by Shea, referred to Business and Labor.  
**SB 242**, introduced by Perry, Black, R. Brown, Cobb, DePratu, Kitzenberg, Lindeen, McGee, McNutt, Nelson, Pease, Peterson, Roush, Shea, Sprague, Stonington, Tester, F. Thomas, Wagman, Wheat, Wilson, Younkin, referred to Agriculture.  
**SB 243**, introduced by Wheat, Tester, referred to Appropriations.  
**SB 244**, introduced by Story, Andersen, referred to Agriculture.  
**SB 246**, introduced by Glaser, referred to Local Government.  
**SB 247**, introduced by Cobb, referred to Federal Relations, Energy, and Telecommunications.  
**SB 249**, introduced by Taylor, referred to Business and Labor.  
**SB 250**, introduced by Kitzenberg, Cooney, Gallus, Gebhardt, Golie, McNutt, Pease, D. Ryan, Schmidt, Shea, Steinbeisser, Tropila, referred to Fish, Wildlife and Parks.  
**SB 252**, introduced by Squires, Kitzenberg, Mahlum, Shea, Tropila, referred to State Administration.  
**SB 253**, introduced by Elliott, referred to Fish, Wildlife and Parks.  
**SB 254**, introduced by Cooney, Mangan, McNutt, A. Olson, D. Ryan, Steinbeisser, Wilson, referred to Business and Labor.  
**SB 257**, introduced by Cooney, referred to Judiciary.  
**SB 259**, introduced by Glaser, Story, referred to Education.  
**SB 262**, introduced by Perry, Facey, referred to State Administration.  
**SB 263**, introduced by Grimes, referred to Judiciary.  
**SB 270**, introduced by Harrington, Squires, Wanzenried, referred to Business and Labor.  
**SB 271**, introduced by Stapleton, Wanzenried, referred to Taxation.  
**SB 274**, introduced by McGee, Anderson, Bales, Balyeat, Barkus, Black, R. Brown, Butcher, Curtiss, DePratu, Esp, Fuchs, Glaser, Grimes, Jackson, Keenan, Laible, Lake, Lange, Laszloffy, Mahlum, Mood, Morgan, Pattison, Perry, Stapleton, Story, Taylor, F. Thomas, Tropila, Wagman, referred to State Administration.  
**SB 275**, introduced by Laible, Jent, Younkin, referred to Business and Labor.  
**SB 281**, introduced by Butcher, McGee, referred to Judiciary.  
**SB 282**, introduced by Squires, referred to Business and Labor.  
**SB 283**, introduced by Wheat, referred to Judiciary.  
**SB 284**, introduced by Wheat, referred to Local Government.  
**SB 287**, introduced by Sprague, referred to Fish, Wildlife and Parks.  
**SB 288**, introduced by Mangan, referred to Local Government.  
**SB 292**, introduced by Cocchiarella, Brueggeman, Kitzenberg, Mahlum, Mood, D. Ryan, Wanzenried, referred to Business and Labor.  
**SB 294**, introduced by Gebhardt, Elliott, Parker, Tropila, Witt, referred to Taxation.  
**SB 295**, introduced by Butcher, Jackson, Black, Gebhardt, Witt, referred to Transportation.  
**SB 298**, introduced by F. Thomas, Mood, R. Brown, Cocchiarella, Keenan, Laszloffy, McGee, McNutt, Shea, Stapleton, referred to Judiciary.  
**SB 302**, introduced by McCarthy, Lewis, Grimes, Laslovich, referred to Taxation.  
**SB 304**, introduced by Johnson, Bohlinger, referred to Business and Labor.  
**SB 306**, introduced by D. Ryan, referred to Business and Labor.  
**SB 307**, introduced by D. Ryan, referred to Education.  
**SB 308**, introduced by Taylor, referred to Federal Relations, Energy, and Telecommunications.  
**SB 314**, introduced by McCarthy, Bohlinger, Cooney, Harrington, Johnson, Lindeen, Tester, Wanzenried, referred to Human Services.

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**SB 315**, introduced by Schmidt, Black, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Hansen, Harrington, Hedges, Laslovich, McKenney, Nelson, Parker, Roush, D. Ryan, Tash, Tester, Tropila, Witt, referred to Business and Labor.

**SB 316**, introduced by Grimes, referred to Federal Relations, Energy, and Telecommunications.

**SB 320**, introduced by Tester, referred to Taxation.

**SB 321**, introduced by Laible, referred to Natural Resources.

**SB 325**, introduced by McGee, referred to Natural Resources.

**SB 326**, introduced by McGee, referred to Natural Resources.

**SB 327**, introduced by Taylor, Johnson, Keenan, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

**SB 328**, introduced by Mangan, referred to Judiciary.

**SB 329**, introduced by Mangan, referred to Judiciary.

**SB 331**, introduced by Squires, referred to Human Services.

**SB 334**, introduced by Sprague, Tropila, referred to Business and Labor.

**SB 336**, introduced by Mahlum, Bohlinger, Brueggeman, DePratu, Kaufmann, Keenan, Nelson, Pattison, referred to Fish, Wildlife and Parks.

**SB 337**, introduced by Tropila, referred to Business and Labor.

**SB 339**, introduced by Cooney, Ellingson, Taylor, referred to State Administration.

**SB 340**, introduced by Grimes, referred to Local Government.

**SB 341**, introduced by F. Thomas, referred to Business and Labor.

**SB 343**, introduced by Laible, referred to Local Government.

**SB 344**, introduced by Laible, referred to Business and Labor.

**SB 345**, introduced by Elliott, referred to Transportation.

**SB 347**, introduced by Keenan, referred to Human Services.

**SB 348**, introduced by Keenan, referred to Human Services.

**SB 349**, introduced by Anderson, referred to Business and Labor.

**SB 350**, introduced by Grimes, Peterson, Bales, Matthews, Mood, Ripley, Tash, F. Thomas, referred to Natural Resources.

**SB 355**, introduced by McGee, referred to Natural Resources.

**SB 359**, introduced by Cromley, Becker, referred to Transportation.

**SB 360**, introduced by F. Thomas, referred to Business and Labor.

**SB 362**, introduced by Grimes, referred to Judiciary.

**SB 364**, introduced by Cooney, referred to Judiciary.

**SB 366**, introduced by Grimes, Mendenhall, referred to Natural Resources.

**SB 370**, introduced by Gebhardt, referred to Local Government.

**SB 375**, introduced by Elliott, referred to Natural Resources.

**SB 376**, introduced by Elliott, Cohenour, referred to Taxation.

**SB 377**, introduced by Mahlum, referred to Transportation.

**SB 380**, introduced by Bales, referred to Education.

**SB 381**, introduced by Keenan, referred to Natural Resources.

**SB 383**, introduced by Bales, referred to Natural Resources.

**SB 384**, introduced by Mangan, Mendenhall, Mood, Parker, F. Thomas, referred to Local Government.

**SB 386**, introduced by Gebhardt, Forrester, Shea, Taylor, referred to Natural Resources.

**SB 387**, introduced by Cobb, referred to Federal Relations, Energy, and Telecommunications.

**SB 389**, introduced by McGee, F. Thomas, referred to Business and Labor.

**SB 392**, introduced by Bales, Andersen, Barrett, E. Clark, Curtiss, Devlin, Hedges, Lambert, A. Olson, Peterson, Ripley, Rome, Ross, Steinbeisser, Stoker, Tash, Taylor, Witt, Zook, referred to Fish, Wildlife and Parks.

**SB 393**, introduced by Kitzenberg, referred to Local Government.

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**SB 394**, introduced by Perry, Cohenour, Anderson, Barkus, Black, Bohlinger, R. Brown, Fuchs, Gebhardt, Glaser, Grimes, Keenan, Laible, Lewis, McGee, McNutt, A. Olson, Ripley, Shea, Sprague, F. Thomas, Zook, referred to Judiciary.

**SB 395**, introduced by Perry, Andersen, Anderson, Balyeat, Barkus, Bookout-Reinicke, Brueggeman, Cohenour, Curtiss, Everett, Fuchs, Gallus, Gebhardt, Haines, Hawk, Hurwitz, Jackson, Kasten, Laible, Lake, Lambert, Laszloffy, Lawson, Lewis, Maedje, McGee, Mendenhall, Mood, A. Olson, B. Olson, Pattison, Rice, Ripley, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Stonington, B. Thomas, Wagman, Witt, referred to Fish, Wildlife and Parks.

**SB 398**, introduced by Cromley (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

**SB 399**, introduced by Bohlinger, Bookout-Reinicke, referred to Local Government.

**SB 400**, introduced by Toole, Facey, referred to Business and Labor.

**SB 401**, introduced by Wheat, Roush, Shea, Sprague (by request of the House State Administration Standing Committee), referred to State Administration.

**SB 402**, introduced by Cocchiarella, Younkin, Bergren, Bohlinger, Brueggeman, Harris, Keenan, Malcolm, Mangan, Matthews, Mood, Musgrove, Nelson, Roush, D. Ryan, Sprague, Tash, Tester, F. Thomas, Wagman, referred to Business and Labor.

**SB 405**, introduced by Laible, referred to State Administration.

**SB 406**, introduced by McGee, referred to Natural Resources.

**SB 408**, introduced by Nelson, referred to Taxation.

**SB 409**, introduced by Stapleton, Anderson, Bales, Barkus, Butcher, Curtiss, DePratu, Esp, Forrester, Gillan, Laible, Lambert, Lenhart, Matthews, Noennig, A. Olson, Perry, Shea, F. Thomas, referred to Natural Resources.

**SB 410**, introduced by Taylor, referred to Judiciary.

**SB 411**, introduced by Glaser, referred to Education.

**SB 413**, introduced by Kitzenberg, Black, Carney, E. Clark, Cocchiarella, Curtiss, DePratu, Hansen, Harrington, Pease, Roush, Smith, Tester, Windy Boy, referred to State Administration.

**SB 414**, introduced by Pease, Hansen, Kitzenberg, Lindeen, McNutt, Roush, Small-Eastman, Taylor, Tester, Tropila, Zook, referred to Transportation.

**SB 415**, introduced by F. Thomas, Mood, referred to Business and Labor.

**SB 416**, introduced by Barkus, Anderson, Laible, Perry, Shea, referred to Natural Resources.

**SB 419**, introduced by McNutt, referred to Judiciary.

**SB 422**, introduced by Black, Kitzenberg, referred to Transportation.

**SB 423**, introduced by Black, Anderson, Barkus, Butcher, Laible, McGee, Stapleton, Story, F. Thomas, referred to State Administration.

**SB 428**, introduced by Esp, Keenan, Mood, referred to State Administration.

**SB 429**, introduced by Esp, Keenan, Mood, referred to State Administration.

**SB 430**, introduced by Ellingson, referred to Business and Labor.

**SB 431**, introduced by Elliott, Cobb, Kaufmann, Tester, referred to Fish, Wildlife and Parks.

**SB 432**, introduced by Grimes, referred to Business and Labor.

**SB 434**, introduced by Tropila, referred to Natural Resources.

**SB 438**, introduced by DePratu, referred to Judiciary.

**SB 441**, introduced by D. Ryan, referred to Education.

**SB 442**, introduced by Stonington, Haines, referred to Fish, Wildlife and Parks.

**SB 444**, introduced by Tester, referred to Business and Labor.

**SB 445**, introduced by Barkus, Barrett, Lange, F. Thomas (by request of the House Joint Select Committee on Districting and Apportionment), referred to State Administration.

**SB 447**, introduced by Grimes, Noennig, referred to Judiciary.

**SB 449**, introduced by Cooney, referred to Human Services.

**SB 450**, introduced by Cocchiarella, Brueggeman, Cyr, Keane, Mahlum, Matthews, McNutt, Roush, F. Thomas, Tropila, Wilson, referred to Business and Labor.



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**SB 452**, introduced by Taylor, referred to State Administration.

**SB 455**, introduced by Cooney, referred to State Administration.

**SB 456**, introduced by Esp, referred to Natural Resources.

Majority Leader Brown moved that the House recess until 1:40 p.m. for caucuses. Motion carried.

House recessed at 1:15 p.m.

House reconvened at 1:40 p.m.

All members present, except Representatives Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, and Windy Boy, excused.  
Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mendenhall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 624** - Representative Buzzas moved **HB 624** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Jackson, Steinbeisser, Stoker, Waitschies.

Total 4

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 120** - Representative R. Brown moved consideration of **HB 120** be passed for the day. Motion carried.

**HB 363** - Representative R. Brown moved consideration of **HB 363** be passed for the day. Motion carried.

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**HB 479** - Representative Gillan moved **HB 479** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 625** - Representative Buzzas moved **HB 625** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Weiss, Windy Boy, Ayes; Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642** - Representative Devlin moved **HB 642** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P.

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Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Balyeat, Becker, Bergren, Bitney, Bixby, D. Brown, R. Brown, Erickson, Fisher, Gutsche, Haines, Jayne, Juneau, Kaufmann, Laszloffy, Lawson, Maedje, Malcolm, Mendenhall, Morgan, Musgrove, Raser, Roberts, Shockley, Sinrud.

Total 25

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 79 - Governor's Amendments** - Representative Jackson moved Governor's amendments to **HB 79** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bixby, Branae, Buzzas, Cohenour, Dowell, Erickson, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 28

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Windy Boy, Ayes; Weiss, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 106 - Senate Amendments** - Representative Erickson moved Senate amendments to **HB 106** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 116 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 116** be concurred in.. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Hawk, Lehman, Maedje, Sinrud.  
Total 4

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 128 - Senate Amendments** - Representative Rice moved Senate amendments to **HB 128** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 149 - Senate Amendments** - Representative Hedges moved Senate amendments to **HB 149** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Fuchs.  
Total 1

Voted Absentee: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 249** - Representative R. Brown moved consideration of **HB 249** be passed for the day. Motion carried.

Representative Brown moved the committee rise and report.

Representative Buzzas made a **substitute motion** that **HB 625** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

Committee arose. House resumed. Mr. Speaker in the chair. Chairman Mendenhall moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.

Total 38

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake,

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Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dowell, Erickson, Facey, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.

Total 35

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**HB 29, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Gallus, Wanzenried.

Total 2

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**HB 59, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 93

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Noes: None.  
Total 0

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.  
Total 7

Absent or not voting: None.  
Total 0

**HB 94, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Ripley.  
Total 1

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.  
Total 7

Absent or not voting: None.  
Total 0

**HB 160** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Barrett, R. Brown, Everett, Hurwitz, Laszloffy, Maedje, Ross, Sales, Sinrud.  
Total 10

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.  
Total 7

Absent or not voting: Jent.  
Total 1



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**HB 391** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**HB 429** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, Cohenour, Jackson, Laslovich, Maedje, Sales, Shockley.

Total 7

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**HB 554** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome,

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Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**HB 616** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Younkin.

Total 65

Noes: Balyeat, Bergren, Bixby, D. Brown, Buzzas, Callahan, Fuchs, Galvin-Halcro, Golie, Hawk, Jayne, Kasten, Lange, Laszloffy, Lawson, Lewis, Lindeen, Maedje, Malcolm, Noennig, Pattison, Raser, Sales, Shockley, Sinrud, Wilson, Witt, Mr. Speaker.

Total 28

Excused: Dickenson, Fritz, Harris, Lenhart, Rice, Weiss, Windy Boy.

Total 7

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved **HB 363** be taken from second reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 249** be taken from second reading this day and be rereferred to the Committee on Fish, Wildlife, and Parks. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 17, SB 38.**

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 7:30 a.m., Saturday, March 8, 2003. Motion carried.

House adjourned at 3:01 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 11, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jackson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Lenhart, Matthews, and B. Ryan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-sixth, forty-seventh, forty-eighth, forty-ninth, and fiftieth legislative days, find the same to be correct.  
Bookout-Reinicke, Chair

**COMMUNICATIONS AND PETITIONS**

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA**

*WHEREAS*, Kristi Benson, an esteemed resident of Dillon and a student at Beaverhead County High, has achieved national recognition for exemplary volunteer service by receiving a 2003 Prudential Spirit of Community Award; and

*WHEREAS*, this prestigious award, presented by Prudential Financial in partnership with National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

*WHEREAS*, Ms. Benson earned this award by giving generously of her time and energy to create a non-profit organization that has raised more than \$27,000 to provide essential educational materials to public schools and students in her rural county that cannot afford to buy them; and

*WHEREAS*, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Benson who use their considerable talents and resources to serve others;

Now therefore, pursuant to a motion of Senator Tash and Representative Barrett:

*BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA*: that the 58th Legislature hereby congratulates and honors Ms. Benson as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

Signed by President Bob Keenan, Senator Bill Tash, Speaker Doug Mood, and Representative Debby Barrett.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **SB 14, SB 20, SB 31, SB 32, SB 49, SB 64, SB 68, SB 69.**

Correctly engrossed: **SB 75.**

Correctly enrolled: **HB 29, HB 59, HB 94, HB 106, HB 116, HB 128, HB 149, HB 150.**

Examined by the sponsor and found to be correct: **HB 29, HB 94, HB 149, HB 150.**

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Signed by the Speaker at 10:45 a.m., March 11, 2003: **HB 29, HB 59, HB 94, HB 106, HB 116, HB 128, HB 149, HB 150.**

Delivered to the Governor for approval at 9:00 a.m., March 11, 2003: **HB 87.**

**EDUCATION** (Andersen, Chairman): 3/10/2003  
**SB 16**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/11/2003  
**SB 70**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 88**, be concurred in and be placed on the consent calendar. Report adopted.  
**SJR 24**, be concurred in and be placed on the consent calendar. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 3/11/2003  
**HB 698**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Page 1, line 20 through line 21.

**Strike:** line 20 through line 21 in their entirety

**Renumber:** subsequent subsection

3. Page 1, line 22.

**Strike:** "nine"

**Insert:** "six"

4. Page 2, line 1.

**Following:** "The"

**Insert:** "public"

**Strike:** "must"

**Insert:** "may"

5. Page 2, line 2.

**Following:** "2-18-503"

**Insert:** ", subject to available funding"

6. Page 3, line 8.

**Strike:** "and"

7. Page 3, line 9.

**Following:** line 8

**Insert:** "(f) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote education on, support for, and awareness of traumatic brain injury; and"

**Renumber:** subsequent subsection

8. Page 3, line 21.

**Following:** "education"

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**Insert:** "on, support for,"

9. Page 4, line 13.

**Strike:** "July 1, 2003"

**Insert:** "January 1, 2004"

And, as amended, do pass. Report adopted.

**SB 55**, be concurred in. Report adopted.

**SB 94**, be concurred in. Report adopted.

**SJR 21**, be concurred in and be placed on the consent calendar. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/11/2003

**SB 71**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 78**, be concurred in and be placed on the consent calendar. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 750**, introduced by R. Brown, Bitney, Forrester, Keenan, Mangan, Mood, A. Olson, Shea, F. Thomas, Younkin, referred to Appropriations.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:07 p.m.

House reconvened at 1:32 p.m. All members present, except Representatives Lenhart, Matthews, and B. Ryan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/11/2003

Correctly enrolled: **HB 36, HB 45, HB 65, HB 77, HB 194, HB 353, HB 364, HB 366, HB 601, HJR 18, HJR 22.**

Examined by the sponsor and found to be correct: **HB 59, HB 106, HB 116, HB 128.**

**BUSINESS AND LABOR** (McKenney, Chairman):

3/11/2003

**SB 26**, be amended as follows:

1. Title, line 10.

**Following:** "CHECKS;"

**Insert:** "PROHIBITING A TITLE LENDER FROM HOLDING A TITLE FOR MORE THAN 30 CALENDAR DAYS WITHOUT PERFECTING THE TITLE LENDER'S SECURITY INTEREST;"

2. Page 4, following line 4.

**Insert:** "(g) hold a title for more than 30 calendar days without perfecting the title lender's security interest;"

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

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**SB 36**, be amended as follows:

1. Title, line 10.

**Strike:** "IS A SOLE PROPRIETOR AND"

2. Page 2, line 27.

**Strike:** "IS A SOLE PROPRIETOR AND"

And, as amended, be concurred in. Report adopted.

**SB 125**, be concurred in. Report adopted.

**SB 144**, be concurred in. Report adopted.

**SB 151**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/11/2003

**HB 13**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** ";;"

**Insert:** "PROVIDING SALARY INCREASES; FREEZING THE STATEWIDE PAY SCHEDULE;"

2. Title, page 1, line 9.

**Strike:** "INCREASE" through "PROGRAMS"

**Insert:** "INCREASES"

3. Page 1, line 24.

**Following:** "and"

**Insert:** "pay adjustments and"

4. Page 2.

**Following:** line 23

**Insert:** "(d) Effective on the first day of the first complete pay period that includes January 1, 2004, the base salary of each employee must be increased by an amount equal to 45 cents an hour or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(g).

(e) Effective on the first day of the first complete pay period that includes January 1, 2005, the base salary of each employee must be increased by an amount equal to 45 cents an hour or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(g)."

**Renumber:** subsequent subsections

5. Page 3, line 2.

**Strike:** "schedule"

**Insert:** "schedules"

**Strike:** "indicates"

**Insert:** "indicate"

6. Page 3.

**Following:** line 10

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**Insert:** "(iii) Effective on the first day of the first complete pay period that includes January 1, 2004, the base salary of each teacher employed in the department of public health and human services and the department of corrections is the amount provided for the teacher's step and education level under 2-18-315(2). This subsection (3)(a)(iii) does not provide for a step advancement.

(iv) Effective on the first day of the first complete pay period that includes January 1, 2005, the base salary of each teacher employed in the department of public health and human services and the department of corrections is the amount provided for the teacher's step and education level under 2-18-315(3). This subsection (3)(a)(iv) does not provide for a step advancement."

7. Page 3, line 11.

**Strike:** "schedule"

**Insert:** "schedules"

**Strike:** "indicates"

**Insert:** "indicate"

8. Page 7, line 27.

**Strike:** "schedule"

**Insert:** "schedules"

**Following:** "(1)"

**Insert:** "(1)"

9. Page 9, line 5.

**Following:** "44,839"

**Insert:** "(2) Effective on the first day of the first full pay period that includes January 1, 2004, the pay schedule for teachers is as follows:

Annual Hours -- 2080

Note: Does Not Include Insurance

Term -- Twelve Months

Matrix Type -- Annual

Education Level

| STEP | BA     |        | BA+15  | BA+30  | BA+45  | BA+60  | BA+75 |
|------|--------|--------|--------|--------|--------|--------|-------|
| 1    | 28,065 | 28,878 | 29,716 | 30,579 | 31,468 | 32,385 |       |
| 2    | 28,878 | 29,716 | 30,579 | 31,468 | 32,385 | 33,329 |       |
| 3    | 29,716 | 30,579 | 31,468 | 32,385 | 33,329 | 34,301 |       |
| 4    | 30,579 | 31,468 | 32,385 | 33,329 | 34,301 | 35,302 |       |
| 5    | 31,468 | 32,385 | 33,329 | 34,301 | 35,302 | 36,332 |       |
| 6    | 32,385 | 33,329 | 34,301 | 35,302 | 36,332 | 37,395 |       |
| 7    | 33,329 | 34,301 | 35,302 | 36,332 | 37,395 | 38,488 |       |
| 8    | 34,301 | 35,302 | 36,332 | 37,395 | 38,488 | 39,615 |       |
| 9    | 35,302 | 36,332 | 37,395 | 38,488 | 39,615 | 40,776 |       |
| 10   | 36,332 | 37,395 | 38,488 | 39,615 | 40,776 | 41,971 |       |
| 11   | 37,395 | 38,488 | 39,615 | 40,776 | 41,971 | 43,202 |       |
| 12   | 38,488 | 39,615 | 40,776 | 41,971 | 43,202 | 44,468 |       |
| 13   | 39,615 | 40,776 | 41,971 | 43,202 | 44,468 | 45,775 |       |

(3) Effective on the first day of the pay period that includes January 1, 2005, the pay schedule for teachers is as follows:



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Annual Hours -- 2080  
Term -- Twelve Months

Note: Does Not Include Insurance  
Matrix Type -- Annual

Education Level

| STEP | BA     |        | BA+15  | BA+30  | BA+45  | BA+60  | BA+75 |
|------|--------|--------|--------|--------|--------|--------|-------|
| 1    | 29,001 | 29,814 | 30,652 | 31,515 | 32,404 | 33,321 |       |
| 2    | 29,814 | 30,652 | 31,515 | 32,404 | 33,321 | 34,265 |       |
| 3    | 30,652 | 31,515 | 32,404 | 33,321 | 34,265 | 35,237 |       |
| 4    | 31,515 | 32,404 | 33,321 | 34,265 | 35,237 | 36,238 |       |
| 5    | 32,404 | 33,321 | 34,265 | 35,237 | 36,238 | 37,268 |       |
| 6    | 33,321 | 34,265 | 35,237 | 36,238 | 37,268 | 38,331 |       |
| 7    | 34,265 | 35,237 | 36,238 | 37,268 | 38,331 | 39,424 |       |
| 8    | 35,237 | 36,238 | 37,268 | 38,331 | 39,424 | 40,551 |       |
| 9    | 36,238 | 37,268 | 38,331 | 39,424 | 40,551 | 41,712 |       |
| 10   | 37,268 | 38,331 | 39,424 | 40,551 | 41,712 | 42,907 |       |
| 11   | 38,331 | 39,424 | 40,551 | 41,712 | 42,907 | 44,138 |       |
| 12   | 39,424 | 40,551 | 41,712 | 42,907 | 44,138 | 45,404 |       |
| 13   | 40,551 | 41,712 | 42,907 | 44,138 | 45,404 | 46,711 |       |

10. Page 9, line 8.

**Strike:** "schedule"

**Insert:** "schedules"

**Following:** "(+)"

**Insert:** "(1)"

11. Page 11, line 5.

**Following:** "17.595"

**Insert:** "(2) Effective on the first day of the first full pay period that includes January 1, 2004, the pay schedule for blue collar workers is as follows:

Annual Hours -- 2080  
Term -- Blue Collar

Note: Does Not Include Insurance  
Matrix Type -- Hourly

| Grade | \$/Hour |
|-------|---------|
| B1    | 12.845  |
| B2    | 13.245  |
| B3    | 13.645  |
| B4    | 14.045  |
| B5    | 14.445  |
| B6    | 14.845  |
| B7    | 15.245  |
| B8    | 15.645  |
| B9    | 16.045  |
| B10   | 16.445  |
| B11   | 16.845  |
| B12   | 17.245  |

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|     |        |
|-----|--------|
| B13 | 17.645 |
| B14 | 18.045 |

(3) Effective on the first day of the first full pay period that includes January 1, 2005, the pay schedule for blue collar workers is as follows:

|                      |                                  |
|----------------------|----------------------------------|
| Annual Hours -- 2080 | Note: Does Not Include Insurance |
| Term -- Blue Collar  | Matrix Type -- Hourly            |

| Grade | \$/Hour |
|-------|---------|
| B1    | 13.295  |
| B2    | 13.695  |
| B3    | 14.095  |
| B4    | 14.495  |
| B5    | 14.895  |
| B6    | 15.295  |
| B7    | 15.695  |
| B8    | 16.095  |
| B9    | 16.495  |
| B10   | 16.895  |
| B11   | 17.295  |
| B12   | 17.695  |
| B13   | 18.095  |
| B14   | 18.495" |

12. Page 12, line 10.

**Strike:** "[section 6]"

**Insert:** "[this act]"

13. Page 12, line 14 through line 18.

**Strike:** line 14 through line 18

**Insert:**

|                     |           |        |           |           |            |
|---------------------|-----------|--------|-----------|-----------|------------|
| "Legislative Branch | 74,974    | 19,214 |           | 233,736   | 59,902     |
| Consumer Counsel    |           |        | 3,876     |           | 28,698     |
| Judicial Branch     | 196,789   | 28,113 |           | 602,055   | 86,008     |
| Executive Branch    | 3,158,491 |        | 5,837,495 | 9,607,443 | 17,709,710 |
| University System   | 2,096,176 |        | 2,279,975 | 5,349,425 | 5,818,477" |

14. Page 12.

**Following:** line 24

**Insert:** "NEW SECTION. Section 8. Coordination instruction. If House Bill No. 360 is not passed and approved, then:

(1) [section 2] of [this act], amending 2-18-303, must read:

**"Section 2.** Section 2-18-303, MCA, is amended to read:

**"2-18-303. Procedures for using pay schedules.** (1) The pay ~~schedules~~ schedule provided in 2-18-312 must be implemented as follows:

(a) The pay ~~schedules~~ schedule provided in 2-18-312 ~~indicate~~ indicates the entry salary and market salary

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for each grade for positions classified under the provisions of part 2 of this chapter.

(b) Each employee newly hired by the state of Montana must be hired at the entry rate, except as provided in subsections (6) through (9).

(c) On the first day of the first complete pay period in fiscal year ~~2002~~ 2004, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2001~~ 2003.

~~—(d) Effective on the first day of the pay period that includes an employee's anniversary date during the fiscal years ending June 30, 2002, and June 30, 2003, the employee's base salary must be increased by 4% or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(f). An employee's base salary increases resulting from subsection (1)(e) and this subsection may not exceed a maximum of 4% in each fiscal year. For employees hired on or before September 30, 1994, the anniversary date is October 1.~~

~~(e)(d)~~ An employee's base salary may be no less than the entry salary for the employee's assigned grade.

~~(f)(e)~~ The maximum salary for each grade is determined by subtracting the entry salary from the market salary and adding that amount to the market salary.

(2) The pay ~~schedules~~ schedule provided in 2-18-312 and the provisions of subsection (1) of this section do not apply to those teachers or blue-collar occupations compensated under the pay schedules provided in 2-18-313 and 2-18-315.

(3) The pay schedules provided in 2-18-313 and 2-18-315 must be implemented as follows:

(a) (i) The pay ~~schedules~~ schedule provided for in 2-18-313 ~~indicate~~ indicates the annual compensation for teachers employed under the authority of the department of corrections or the department of public health and human services for fiscal years ~~2002~~ 2004 and ~~2003~~ 2005.

(ii) The compensation of each teacher on July 1, ~~2001~~ 2003, is the same as it was on June 30, ~~2001~~ 2003.

~~—(iii) On the first day of the first pay period that includes October 1 of each fiscal year, a teacher employed under the authority of the department of public health and human services or the department of corrections before October 1, 1994, shall advance one step on the appropriate pay schedule adopted in 2-18-313. A teacher hired after October 1, 1994, shall advance on the teacher's actual anniversary date.~~

(b) The pay ~~schedules~~ schedule provided in 2-18-315 ~~indicate~~ indicates the maximum hourly compensation for fiscal years ending June 30, ~~2002~~ 2004, and June 30, ~~2003~~ 2005, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(c) The compensation of each employee on the first day of the first pay period in each fiscal year is that amount corresponding to the grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) ~~★ If the legislature authorizes a pay increase for state employees, a member of a bargaining unit may not receive a pay increase until the employer's collective bargaining representative receives written notice that the employee's bargaining unit has ratified a completely integrated collective bargaining agreement covering the biennium ending June 30, 2003.~~

(ii) If ratification of a completely integrated collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by ~~July 1, 2001~~ the date on which a legislatively authorized pay increase is implemented, retroactivity to that date may be negotiated.

(iii) If ratification of a completely integrated collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by ~~July 1, 2001~~ the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving ~~as of June 30, 2001~~, until an agreement is ratified.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules and adjustments provided in 2-18-312, 2-18-313, 2-18-315, and this section may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee may not be reduced by the implementation of the pay schedules provided for in 2-18-312, 2-18-313, and 2-18-315.

(6) The department may authorize a separate pay schedule for classes of medical professionals if the rates

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provided in 2-18-312 are not sufficient to attract and retain fully licensed and qualified professionals.

(7) (a) The department may develop and implement an alternative pay and classification plan for certain classes, occupations, and work units. Pay for employees in the alternative pay and classification plan may be established and changed based on demonstrated competencies and accomplishments, on the labor market, and on other situations defined by the department.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(8) The department may develop programs that enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. To the extent that the program applies to employees within a collective bargaining unit, it is a negotiable subject under 39-31-305.

(9) The department shall review the competitiveness of the compensation provided to all occupations under this part. If the department finds that substantial problems exist with recruitment and retention because of inadequate salaries when compared to competing employers, the department may establish criteria allowing an adjustment in pay or classification to mitigate the problems. To the extent that these adjustments apply to employees within a collective bargaining unit, the implementation of these adjustments is a negotiable subject under 39-31-305."

(2) [section 4] of [this act], amending 2-18-313, must read:

"**Section 4.** Section 2-18-313, MCA, is amended to read:

**"2-18-313. Teachers' pay schedules ~~schedule~~.** (1) The pay schedule for teachers for the period ~~that includes October 1, 2001, until beginning~~ the first day of the first full pay period ~~that includes October 1, 2002, in fiscal year 2004~~ is as follows:

~~Annual Hours -- 2080~~~~Note: Does Not Include Insurance~~

~~Term -- Twelve Months~~~~Matrix Type -- Annual~~ Education Level

| STEP | BA     | BA+15  | BA+30  | BA+45  | BA+60  | BA+75  |
|------|--------|--------|--------|--------|--------|--------|
| 1    | 26,085 | 26,867 | 27,673 | 28,503 | 29,359 | 30,239 |
| 2    | 26,867 | 27,673 | 28,503 | 29,358 | 30,239 | 31,147 |
| 3    | 27,673 | 28,503 | 29,358 | 30,239 | 31,147 | 32,082 |
| 4    | 28,503 | 29,358 | 30,239 | 31,147 | 32,082 | 33,044 |
| 5    | 29,358 | 30,239 | 31,147 | 32,082 | 33,044 | 34,035 |
| 6    | 30,239 | 31,147 | 32,082 | 33,044 | 34,035 | 35,056 |
| 7    | 31,147 | 32,082 | 33,044 | 34,035 | 35,056 | 36,108 |
| 8    | 32,082 | 33,044 | 34,035 | 35,056 | 36,108 | 37,191 |
| 9    | 33,044 | 34,035 | 35,056 | 36,108 | 37,191 | 38,307 |
| 10   | 34,035 | 35,056 | 36,108 | 37,191 | 38,307 | 39,457 |
| 11   | 35,056 | 36,108 | 37,191 | 38,307 | 39,457 | 40,640 |
| 12   | 36,108 | 37,191 | 38,307 | 39,457 | 40,640 | 41,858 |
| 13   | 37,191 | 38,307 | 39,457 | 40,640 | 41,858 | 43,114 |

~~(2) Effective on the first day of the pay period that includes October 1, 2002, the pay schedule for teachers is as follows:~~

~~Annual Hours -- 2080~~

~~Note: Does Not Include Insurance~~

~~Term -- Twelve Months~~

~~Matrix Type -- Annual~~

Education Level

| STEP | BA     | BA+15  | BA+30  | BA+45  | BA+60  | BA+75  |
|------|--------|--------|--------|--------|--------|--------|
| 1    | 27,129 | 27,942 | 28,780 | 29,643 | 30,532 | 31,449 |
| 2    | 27,942 | 28,780 | 29,643 | 30,532 | 31,449 | 32,393 |
| 3    | 28,780 | 29,643 | 30,532 | 31,449 | 32,393 | 33,365 |
| 4    | 29,643 | 30,532 | 31,449 | 32,393 | 33,365 | 34,366 |

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|    |        |        |        |        |        |         |
|----|--------|--------|--------|--------|--------|---------|
| 5  | 30,532 | 31,449 | 32,393 | 33,365 | 34,366 | 35,396  |
| 6  | 31,449 | 32,393 | 33,365 | 34,366 | 35,396 | 36,459  |
| 7  | 32,393 | 33,365 | 34,366 | 35,396 | 36,459 | 37,552  |
| 8  | 33,365 | 34,366 | 35,396 | 36,459 | 37,552 | 38,679  |
| 9  | 34,366 | 35,396 | 36,459 | 37,552 | 38,679 | 39,840  |
| 10 | 35,396 | 36,459 | 37,552 | 38,679 | 39,840 | 41,035  |
| 11 | 36,459 | 37,552 | 38,679 | 39,840 | 41,035 | 42,266  |
| 12 | 37,552 | 38,679 | 39,840 | 41,035 | 42,266 | 43,532  |
| 13 | 38,679 | 39,840 | 41,035 | 42,266 | 43,532 | 44,839" |

(3) [section 5] of [this act], amending 2-18-315, must read:

**"Section 5.** Section 2-18-315, MCA, is amended to read:

**"2-18-315. Blue-collar pay schedules schedule.** (†) The pay schedule for blue-collar workers for the period from July 1, 2001, until beginning the first day of the first full pay period ~~that includes October 2001~~ in fiscal year 2004 is as follows:

Annual Hours -- 2080Note: Does Not Include Insurance

Pay Matrix -- Blue-CollarMatrix Type -- Hourly

| Grade | \$/Hour |
|-------|---------|
| B1    | 11.275  |
| B2    | 11.675  |
| B3    | 12.075  |
| B4    | 12.475  |
| B5    | 12.875  |
| B6    | 13.275  |
| B7    | 13.675  |
| B8    | 14.075  |
| B9    | 14.475  |
| B10   | 14.875  |
| B11   | 15.275  |
| B12   | 15.675  |
| B13   | 16.075  |
| B14   | 16.475  |

(2) Effective on the first day of the pay period that includes October 1, 2001, until the first day of the pay period that includes October 2002, the pay schedule for blue-collar workers is as follows:

Annual Hours -- 2080Note: Does Not Include Insurance

Pay Matrix -- Blue-CollarMatrix Type -- Hourly

| Grade | \$/Hour |
|-------|---------|
| B1    | 11.835  |
| B2    | 12.235  |
| B3    | 12.635  |
| B4    | 13.035  |
| B5    | 13.435  |
| B6    | 13.835  |
| B7    | 14.235  |
| B8    | 14.635  |
| B9    | 15.035  |
| B10   | 15.435  |
| B11   | 15.835  |
| B12   | 16.235  |

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~~———— B13 ——— 16.635~~  
~~———— B14 ——— 17.035~~

~~(3) Effective on the first day of the pay period that includes October 1, 2002, the pay schedule for blue-collar workers is as follows:~~

Annual Hours -- 2080                      Note: Does Not Include Insurance  
Pay Matrix -- Blue-Collar                      Matrix Type -- Hourly

| Grade | \$/Hour  |
|-------|----------|
| B1    | 12.395   |
| B2    | 12.795   |
| B3    | 13.195   |
| B4    | 13.595   |
| B5    | 13.995   |
| B6    | 14.395   |
| B7    | 14.795   |
| B8    | 15.195   |
| B9    | 15.595   |
| B10   | 15.995   |
| B11   | 16.395   |
| B12   | 16.795   |
| B13   | 17.195   |
| B14   | 17.595"" |

(4) [section 7] of [this act], providing an appropriation, must read:

**Insert: "NEW SECTION. Section 7. Appropriation.** (1) The following money for the indicated fiscal years is appropriated to the listed agencies to implement the adjustments provided for in [section 6]:

|                    | Fiscal Year 2004 | Fiscal Year 2005 |              |
|--------------------|------------------|------------------|--------------|
|                    | General Fund     | Other Funds      | General Fund |
| Legislative Branch | 24,969           | 6,399            | 81,583       |
| Consumer Counsel   |                  | 1,277            |              |
| Judicial Branch    | 85,726           | 12,247           | 268,867      |
| Executive Branch   | 1,042,381        | 1,926,519        | 3,263,472    |
| University System  | 1,087,384        | 1,182,729        | 2,323,048    |
|                    |                  |                  | 20,908       |
|                    |                  |                  | 4,006        |
|                    |                  |                  | 38,410       |
|                    |                  |                  | 6,015,663    |
|                    |                  |                  | 2,526,739    |

(2) The following money is appropriated for the biennium to the office of budget and program planning to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

|                                     | Fiscal Year 2004 |             |
|-------------------------------------|------------------|-------------|
|                                     | General Fund     | Other Funds |
| Personal Services Contingency       | 1,500,000        | 3,000,000"  |
| <b>Renumber:</b> subsequent section |                  |             |

And, as amended, do pass. Report adopted.

**HB 360**, introduced bill, be amended as follows:

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1. Title, page 1, lines 10 and 11.

**Strike:** "PROVIDING" on line 10 through "FUND" on line 11

**Insert:** "REQUIRING CERTAIN FUNDS TO BE TRANSFERRED INTO THE TRUST FUND; PROVIDING A  
STATUTORY APPROPRIATION"

2. Title, page 1, line 12.

**Strike:** the first "AND"

**Insert:** ", 17-2-107,"

**Following:** "17-7-139,"

**Insert:** "AND 17-7-502,"

3. Page 1, line 18.

**Strike:** "578"

**Insert:** "963"

4. Page 1, line 20.

**Strike:** "578"

**Insert:** "963"

5. Page 1, line 24.

**Strike:** "\$34,913,627"

**Insert:** "\$46,876,995"

**Strike:** "\$31,894,609"

**Insert:** "\$42,200,000"

6. Page 1, line 25.

**Strike:** "\$3,019,018"

**Insert:** "\$4,700,000"

7. Page 1.

**Following:** line 25

**Insert:** "WHEREAS, savings of \$42,000,000 in each subsequent biennium is projected; and"

8. Page 1, line 26.

**Strike:** "a one-time appropriation of \$13,825,146"

**Insert:** "transfers totaling \$31,600,000"

**Strike:** "and"

**Following:** "payments"

**Insert:** "of \$26,100,000 and payments of \$5,500,000"

9. Page 1, line 28.

**Strike:** "2 1/2"

**Insert:** "1.8"

**Following:** "incentive"

**Insert:** "this biennium"

10. Page 2, lines 2 and 5.

**Strike:** "7"

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**Insert:** "8"

11. Page 2, line 7.

**Strike:** "has the meaning provided in 2-18-101"

**Insert:** "means a department, board, commission, office, bureau, institution, or unit of state government recognized in the state budget"

12. Page 2, line 10.

**Following:** "year"

**Insert:** ", not including an elected official, as defined in 5-7-102"

13. Page 2, lines 23 and 27.

**Strike:** "5% "

**Insert:** "3% "

14. Page 3.

**Following:** line 8

**Insert:** "(4) A payment received by an employee pursuant to this section is not and may not be interpreted to be:

(a) termination pay, as the term is defined in 19-20-101 and used in the teachers' retirement system provisions contained in 19-20-716; or

(b) compensation for the purposes of any retirement system or plan contained in Title 19."

15. Page 3, lines 12, 17, and 22.

**Strike:** "7"

**Insert:** "8"

16. Page 3, line 25.

**Following:** "--"

**Insert:** "statutory appropriation --"

**Strike:** "the coal"

17. Page 3, line 26.

**Strike:** "severance tax permanent"

**Insert:** "general"

18. Page 3, line 29.

**Strike:** "(4)"

**Insert:** "(5)"

19. Page 4.

**Following:** line 1

**Insert:** "(4) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of administration."

**Renumber:** subsequent subsection

20. Page 4, line 2.

**Strike:** "7"

**Insert:** "8"



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21. Page 4, line 3.

**Strike:** "coal" through "17-5-703"

**Insert:** "general fund"

22. Page 4, line 6.

**Strike:** "7"

**Insert:** "8"

23. Page 4.

**Following:** line 6

**Insert:** "NEW SECTION. Section 8. Funding of employee termination incentive -- fund transfers --

**interentity loans.** (1) For each employee who voluntarily terminates employment pursuant to [sections 1 through 8], each agency shall determine the cost of the payments to be provided to the employee pursuant to [sections 3 and 4].

(2) (a) For each employee who voluntarily terminates employment under [sections 1 through 8] and who is compensated in whole or in part from nongeneral fund money or nonfederal fund money, the agency shall, at the time of the employee's termination, transfer to the account established in [section 6] an amount equal to the proportionate share of the cost of providing the payments pursuant to [sections 1 through 8] for that employee. The proportionate share must be calculated based on the nongeneral and nonfederal funds used to compensate the employee during the 2002 fiscal year.

(b) If an agency, in consultation with the approving authority, determines that it does not have sufficient funds to complete the transfer required in subsection (2)(a) at the time of the employee's termination or that the transfer would limit the agency's ability to meet matching fund requirements, the approving authority may approve a payment schedule for the agency to transfer the funds, plus 3% interest on the funds compounded annually, over a period of time not exceeding 5 years from the original date of the transfer required under subsection (2)(a).

(3) For each employee who voluntarily terminates employment under [sections 1 through 8], each agency shall determine the share of federal funds associated with the cost of the payments that must be made to the employee pursuant to [sections 1 through 8] and shall provide this information to the department of administration for inclusion in the statewide cost allocation plan provided for in 17-3-110. Any federal funds received by the agency as reimbursements for costs incurred pursuant to [sections 1 through 8] must be deposited in the general fund, as provided in 17-3-111(2), then transferred by the agency to the account established in [section 6].

(4) On August 1, 2003, the budget director, appointed pursuant to 17-7-103, shall transfer from the general fund to the account established in [section 6] \$18,268,000.

(5) The department may provide interentity loans pursuant to 17-2-107 to the account established in [section 6] if the loans are necessary to meet cashflow demands pursuant to obligations incurred under [sections 1 through 8]. The time period over which the loans must be repaid may be extended, as provided in 17-2-107(3), for additional 1-year periods, up to a total of 5 years."

**Renumber:** subsequent sections

24. Page 6, line 20.

**Strike:** "7"

**Insert:** "8"

25. Page 6.

**Following:** line 24

**Insert:** "**Section 10.** Section 17-2-107, MCA, is amended to read:

**"17-2-107. Accurate accounting records and interentity loans.** (1) The department shall record receipts and disbursements for treasury funds and for accounting entities within treasury funds and shall maintain records in a manner that reflects the total cash and invested balance of each fund and each accounting entity. The department shall adopt the necessary procedures to ensure that interdepartmental or intradepartmental transfers of money or loans

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do not result in inflation of figures reflecting total governmental costs and revenue.

(2) (a) Subject to 17-2-105, when the expenditure of an appropriation from a fund designated in 17-2-102(1) through (3) is necessary and the cash balance in the accounting entity from which the appropriation was made is insufficient, the department may authorize a temporary loan, bearing no interest, of unrestricted money from other accounting entities if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. An accounting entity receiving a loan or an accounting entity from which a loan is made may not be so impaired that all proper demands on the accounting entity cannot be met even if the loan is extended.

(b) (i) When an expenditure from a fund or subfund designated in 17-2-102(4) is necessary and the cash balance in the fund or subfund from which the expenditure is to be made is insufficient, the commissioner of higher education may authorize a temporary loan, bearing interest as provided in subsection (4) of this section, of money from the agency's other funds or subfunds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. A fund or subfund receiving a loan or from which a loan is made may not be so impaired that all proper demands on the fund or subfund cannot be met even if the loan is extended.

(ii) One accounting entity within each fund or subfund designated in 17-2-102(4) must be established for the sole purpose of recording loans between the funds or subfunds. This accounting entity is the only accounting entity within each fund or subfund that may receive a loan or from which a loan may be made.

(c) A loan made under subsection (2)(a) or (2)(b) must be repaid within 1 calendar year of the date on which the loan is approved unless it is extended under subsection (3) or by specific legislative authorization.

(3) Under unusual circumstances, the director of the department or the board of regents may grant one extension for up to 1 year, except as provided in [section 8(5)], for a loan made under subsection (2)(a) or (2)(b). The director or board shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment plan to the house appropriations and senate finance and claims committees at the next legislative session.

(4) Any loan from the current unrestricted subfund to funds designated in 17-2-102(4)(a)(iv) and (4)(b) through (4)(f) must bear interest at a rate equivalent to the previous fiscal year's average rate of return on the board of investments' short-term investment pool.

(5) If for 2 consecutive fiscal yearends a loan or an extension of a loan has been authorized to the same accounting entity as provided in subsection (2) or (3), the department or the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or accounting entities within the university fund or subfund, and a plan for repaying the loans.

(6) If for 2 consecutive fiscal yearends an accounting entity in a fund or subfund designated in 17-2-102(4) has a negative cash balance, the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the accounting entity's negative cash balance or solvency.

(7) (a) An accounting entity in a fund designated in 17-2-102(1) through (3) may not have a negative cash balance at fiscal yearend. The department may, however, allow a fund type within each agency to carry a negative balance at any point during the fiscal year if the negative cash balance does not exist for more than 7 working days.

(b) (i) Except as provided in subsection (7)(b)(ii) of this section, a unit of the university system shall maintain a positive cash balance in the funds and subfunds designated in 17-2-102(4).

(ii) If a fund or subfund inadvertently has a negative cash balance, the department may allow the fund or subfund to carry the negative cash balance for no more than 7 working days. If the negative cash balance exists for more than 7 working days, a transaction may not be processed through the statewide accounting system for that fund or subfund.

(8) Notwithstanding the provisions of subsections (2) through (4), the department may authorize loans to accounting entities in the federal and state special revenue funds with long-term repayment whenever necessary

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because of the timing of the receipt of agreed-upon reimbursements from federal, private, or other governmental entity sources for disbursements made. If possible, the loans must be made from funds other than the general fund. The department may approve the loans if the requesting agency can demonstrate that the total loan balance does not exceed total receivables from federal, private, or other governmental entity sources and receivables have been billed on a timely basis. The loan must be repaid under terms and conditions that may be determined by the department or by specific legislative authorization.

(9) A loan may not be authorized under this section to any fund or accounting entity that is owed federal or other third-party funds unless the requesting agency certifies to the agency approving the loan that it has and will continue to bill the federal government or other third party for the requesting agency's share of costs incurred in the fund or accounting entity on the earliest date allowable under federal or other third-party regulations applicable to the program. The requesting agency shall recertify its timely billing status to the agency that approved the loan at least monthly during the term of the loan. If at any time the requesting agency fails to recertify the timely billing, the agency that approved the loan shall cancel the loan and return the money to its original source."

**Renumber:** subsequent sections

26. Page 7, line 26.

**Strike:** "7"

**Insert:** "8"

27. Page 7.

**Following:** line 29

**Insert:** "Section 12. Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; [section 6]; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes

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effective July 1, 2003.)"

**Renumber:** subsequent sections

28. Page 8, line 1 through line 6.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

29. Page 8, line 10.

**Strike:** "\$31.8"

**Insert:** "\$42.2"

30. Page 8, line 13 through line 15.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

31. Page 8, lines 17 and 19.

**Strike:** "7"

**Insert:** "8"

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lake in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 14** - Representative Younkin moved **SB 14** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Sales.

Total 2

Voted Absentee: Lenhart, Matthews, Ryan, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 120** - Representative R. Brown moved consideration of **HB 120** be passed for the day. Motion carried.

**HB 311 - Governor's Amendments** - Representative Stoker moved Governor's amendments to **HB 311** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Balyeat, Bixby, Cyr, Dowell, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Juneau, Keane, Lindeen, Newman, Sales, Sinrud, Wanzenried.

Total 16

Voted Absentee: Lenhart, Matthews, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 492** - Representative Hedges moved **HB 492** do pass.

Representative Younkin moved for cloture. Motion (requiring 3/5 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Witt, Younkin, Mr. Speaker.

Total 62

Noes: Balyeat, Becker, Bixby, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jent, Juneau, Kaufmann, Keane, Lindeen, Maedje, Parker, Pattison, Raser, Sales, Sinrud, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 34

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Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: A. Olson.  
Total 1

Representative Sales moved for cloture. Motion (requiring 3/5 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Devlin, Erickson, Everett, Fisher, Fritz, Fuchs, Gallik, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Forrester, Franklin, Gibson, Gillan, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Parker, Pattison, Raser, Sinrud, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 35

Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: E. Clark, Cyr, Gallus, Galvin-Halcro, Golie, Lake, Maedje, B. Olson, Thomas.  
Total 9

Motion that **HB 492** do pass **failed** as follows:

Ayes: Andersen, Becker, Bergren, Bitney, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hedges, Hurwitz, Jayne, Juneau, Kasten, Kaufmann, Lake, Lewis, Maedje, Musgrove, Noennig, B. Olson, Parker, Roberts, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wilson, Windy Boy.  
Total 48

Noes: Ballantyne, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Cyr, Devlin, Dowell, Everett, Forrester, Gallik, Gillan, Haines, Hawk, Jackson, Jacobson, Jent, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Sinrud, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 52

Voted Absentee: Lenhart, Matthews, Ryan, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fritz, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Balyeat, Becker, Branae, Buzzas, Carney, Dickenson, Erickson, Facey, Franklin, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Kaufmann, Lindeen, Maedje, Musgrove, Newman, Parker, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 27

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Thomas.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 17**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, P. Clark, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Juneau, Lindeen, Newman, Wanzenried.

Total 11

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

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**SB 27**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Gallus, Galvin-Halcro, Gutsche, Raser, Wanzenried, Wilson.

Total 6

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**SB 38**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 93

Noes: Franklin, Sales, Wanzenried, Witt.

Total 4

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**HB 100** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Malcolm, McKenney, Morgan, Musgrove, Newman,



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Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 91

Noes: Bookout-Reinicke, R. Brown, Jayne, Maedje, Mendenhall, Witt.

Total 6

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**HB 321, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Becker, Buzzas, Dowell, Facey, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Gutsche, Lindeen, Parker, Wanzenried, Wilson.

Total 14

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**HJR 34 adopted as follows:**

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

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Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

**SB 5** (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laszloffy, Newman, Parker, Raser, Sales, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

**SB 10** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Franklin, Wanzenried, Wilson.  
Total 3

Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

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**SB 40** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, P. Clark, Gutsche, Harris, Jayne, Sales, Wanzenried, Wilson, Windy Boy.

Total 9

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**SB 47** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Everett, Franklin, Fritz, Gillan, Golie, Jayne, Roberts, Sales, Sinrud, Wanzenried, Wilson.

Total 12

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: None.

Total 0

**SB 51** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan,

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Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, D. Brown, Fisher, Laszloffy, Pattison, Sales, Wagman, Waitschies.

Total 8

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Hurwitz.

Total 1

**MOTIONS**

Representative Jent moved **SB 363** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **SB 431** be taken from the Committee on Fish, Wildlife, and Parks and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Representative R. Brown moved **HB 13** be taken from the Committee on State Administration and be rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Gillan.

Total 1

Representative R. Brown moved **HB 360** be taken from the Committee on State Administration and be rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman,

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Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Bookout-Reinicke.

Total 1

Representative R. Brown moved **SB 456** be taken from the Committee on Natural Resources and be rereferred to the Committee on Federal Relations, Energy, and Telecommunications. Motion (requiring a 3/5 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Maedje, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Bookout-Reinicke.

Total 1

Representative Pattison moved to **suspend the rules** for the late request and introduction of a joint resolution urging the United States Supreme Court to overturn the 9th Circuit Court of Appeals decision prohibiting the use of the phrase "under God" in the Pledge of Allegiance. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 64

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Parker, Raser, Wanzenried, Wilson, Windy Boy.  
Total 30

Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: Bergren, Devlin, Noennig.  
Total 3

Representative R. Brown moved **SB 400** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Cyr, Erickson, Everett, Fisher, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 70

Noes: Ballantyne, Bixby, Buzzas, Callahan, Carney, P. Clark, Dickenson, Dowell, Facey, Forrester, Franklin, Fritz, Golie, Jacobson, Jayne, Juneau, Keane, Lindeen, Raser, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 24

Excused: Lenhart, Matthews, Ryan.  
Total 3

Absent or not voting: Bergren, Bookout-Reinicke, Devlin.  
Total 3

Representative Gallik moved **HB 461** be taken from the Committee on State Administration and be rereferred to the Committee on Appropriations. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 53

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Bergren.

Total 1

Representative Younkin moved to reconsider action on **SB 5** third reading this day. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Excused: Lenhart, Matthews, Ryan.

Total 3

Absent or not voting: Bergren.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, March 12, 2003. Motion carried.

House adjourned at 3:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 12, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rome. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Lenhart, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/12/2003  
Correctly printed: **SB 16, SB 55, SB 70, SB 71, SB 78, SB 88, SB 94, SB 125, SB 144, SB 151, SJR 21, SJR 24.**  
Correctly engrossed: **HB 698, SB 26, SB 36.**  
Correctly enrolled: **HB 321.**  
Examined by the sponsor and found to be correct: **HB 36, HB 45, HB 65, HB 77, HB 194, HB 321, HB 353, HB 364, HB 366, HB 601, HJR 18, HJR 22.**  
Signed by the Speaker at 9:30 a.m., March 12, 2003: **HB 36, HB 45, HB 65, HB 77, HB 194, HB 353, HB 364, HB 366, HB 601, HJR 18, HJR 22.**  
Delivered to the Secretary of State at 11:53 a.m., March 12, 2003: **HB 128.**

**AGRICULTURE** (Rice, Chairman): 3/11/2003  
**SB 22**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 23**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 87**, be concurred in and be placed on the consent calendar. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman): 3/12/2003  
**HB 2**, introduced bill, be amended as follows:

1. Page 1.  
**Following:** line 8  
**Strike:** everything after the enacting clause and insert:

**NEW SECTION. Section 1. Short title.** [This act] may be cited as "The General Appropriations Act of 2003".  
**NEW SECTION. Section 2. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2005 biennium, are adopted as legislative intent.  
**NEW SECTION. Section 3. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].  
**NEW SECTION. Section 4. Appropriation control.** An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2007 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].  
**NEW SECTION. Section 5. Program definition.** As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and



accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.  
**NEW SECTION. Section 6. Personal services funding -- 2007 biennium.** (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2007 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2007 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

**NEW SECTION. Section 7. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

**NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2003.

**NEW SECTION. Section 9. Appropriations.** The following money is appropriated for the respective fiscal years:

| Fiscal 2004   |   |                         |             |       |           | Fiscal 2005  |                       |                         |             |           |       |
|---|---|-------------------------|-------------|-------|-----------|--------------|-----------------------|-------------------------|-------------|-----------|-------|
| General Fund  | State Special Revenue                                 | Federal Special Revenue | Proprietary | Other | Total     | General Fund | State Special Revenue | Federal Special Revenue | Proprietary | Other     | Total |
| A. GENERAL GOVERNMENT AND TRANSPORTATION  |   |                         |             |       |           |              |                       |                         |             |           |       |
| LEGISLATIVE BRANCH (1104)   |   |                         |             |       |           |              |                       |                         |             |           |       |
| 1.  | Legislative Services (20) (Biennial)                  |                         |             |       |           |              |                       |                         |             |           |       |
|   | 3,988,490   | 937,141                 | 0           | 0     | 0         | 0            | 4,925,631             | 4,270,415               |             | 379,019   |       |
|   | 0   | 0                       | 0           | 0     | 4,649,434 |              |                       |                         |             |           |       |
| 2.  | Legislative Committees and Activities (21) (Biennial) |                         |             |       |           |              |                       |                         |             |           |       |
|   | 627,894   | 0                       | 0           | 0     | 0         | 0            | 627,894               | 0                       |             | 0         |       |
|   | 0   | 0                       | 0           | 0     | 0         |              |                       |                         |             |           |       |
| 3.  | Fiscal Analysis and Review (27) (Biennial)            |                         |             |       |           |              |                       |                         |             |           |       |
|   | 1,252,091   | 0                       | 0           | 0     | 0         | 0            | 1,252,091             | 1,298,957               |             | 0         |       |
|   | 0   | 0                       | 0           | 0     | 1,298,957 |              |                       |                         |             |           |       |
| 4.  | Audit and Examination (28) (Biennial)                 |                         |             |       |           |              |                       |                         |             |           |       |
|   | 2,094,056   | 1,402,859               | 0           | 0     | 0         | 0            | 3,496,915             | 2,198,861               |             | 1,304,460 |       |
|   | 0   | 0                       | 0           | 0     | 3,503,321 |              |                       |                         |             |           |       |
| <hr/>   |   |                         |             |       |           |              |                       |                         |             |           |       |
| Total   | 7,962,531   | 2,340,000               | 0           | 0     | 0         | 0            | 10,302,531            | 7,768,233               |             | 1,683,479 |       |
|   | 0   | 0                       | 0           | 0     | 9,451,712 |              |                       |                         |             |           |       |
| Item 1 includes a reduction in general fund money of \$80,430 in fiscal year 2004 and \$78,467 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The branch may reallocate this reduction in funding among programs when developing 2005 biennium operating plans. |   |                         |             |       |           |              |                       |                         |             |           |       |
| The legislature requests the legislative audit committee to make it a high priority to conduct a performance audit of the governor's office of economic development and requests that the audit include a review of the office's benchmarks, the basis and accuracy of reported status indicators, statistics, and accomplishments, and the program's effectiveness and outcomes.     |   |                         |             |       |           |              |                       |                         |             |           |       |
| CONSUMER COUNSEL (1112)   |   |                         |             |       |           |              |                       |                         |             |           |       |
| 1.  | Administration Program (01)                           |                         |             |       |           |              |                       |                         |             |           |       |
|   | 0   | 1,210,683               | 0           | 0     | 0         | 0            | 1,210,683             | 0                       |             | 1,218,271 |       |
|   | 0   | 0                       | 0           | 0     | 1,218,271 |              |                       |                         |             |           |       |
| <hr/>   |   |                         |             |       |           |              |                       |                         |             |           |       |
| Total   | 0   | 1,210,683               | 0           | 0     | 0         | 0            | 1,210,683             | 0                       |             | 1,218,271 |       |
|   | 0   | 0                       | 0           | 0     | 1,218,271 |              |                       |                         |             |           |       |
| JUDICIARY (2110)  |   |                         |             |       |           |              |                       |                         |             |           |       |
| 1.  | Supreme Court Operations (01)                         |                         |             |       |           |              |                       |                         |             |           |       |
|   | 2,732,161   | 1,897,342               | 390,684     | 0     | 0         | 0            | 5,020,187             | 2,743,566               |             | 1,871,019 |       |
|   | 390,018   | 0                       | 0           | 0     | 5,004,603 |              |                       |                         |             |           |       |

|    |   |         |   |            |   |            |            |         |
|----|---|---------|---|------------|---|------------|------------|---------|
| a. | Legislative Audit (Restricted/Biennial) |         |   |            |   |            |            |         |
|    | 34,175                                  | 0       | 0 | 0          | 0 | 34,175     | 0          | 0       |
|    | 0                                       | 0       | 0 | 0          |   |            |            |         |
| 2. | Boards and Commissions (02)             |         |   |            |   |            |            |         |
|    | 259,129                                 | 25,000  | 0 | 0          | 0 | 284,129    | 259,142    | 25,000  |
|    | 0                                       | 0       | 0 | 284,142    |   |            |            |         |
| 3. | Law Library (03)                        |         |   |            |   |            |            |         |
|    | 772,549                                 | 0       | 0 | 0          | 0 | 772,549    | 774,371    | 0       |
|    | 0                                       | 0       | 0 | 774,371    |   |            |            |         |
| 4. | District Court Operations (04)          |         |   |            |   |            |            |         |
|    | 24,379,042                              | 0       | 0 | 0          | 0 | 24,379,042 | 25,250,501 | 0       |
|    | 0                                       | 0       | 0 | 25,250,501 |   |            |            |         |
| 5. | Water Courts Supervision (05)           |         |   |            |   |            |            |         |
|    | 0                                       | 721,012 | 0 | 0          | 0 | 721,012    | 0          | 723,776 |
|    | 0                                       | 0       | 0 | 723,776    |   |            |            |         |
| 6. | Clerk of Court (06)                     |         |   |            |   |            |            |         |
|    | 372,962                                 | 0       | 0 | 0          | 0 | 372,962    | 372,862    | 0       |
|    | 0                                       | 0       | 0 | 372,862    |   |            |            |         |

|       |            |           |         |            |   |            |            |           |
|-------|------------|-----------|---------|------------|---|------------|------------|-----------|
| Total | 28,550,018 | 2,643,354 | 390,684 | 0          | 0 | 31,584,056 | 29,400,442 | 2,619,795 |
|       | 390,018    | 0         | 0       | 32,410,255 |   |            |            |           |

Item 1 includes a reduction in general fund money of \$288,384 in fiscal year 2004 and \$296,974 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The branch may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

If House Bill No. 18 is not passed and approved, item 1 is decreased by \$1,747,342 of state special revenue money in fiscal year 2004 and by \$1,721,019 of state special revenue money in fiscal year 2005.

If House Bill No. 18 is passed and approved, item 1 is decreased by \$35,500 of general fund money in each year of the biennium. The branch may reallocate this reduction in funding among programs in its 2005 biennium operating plans.

The supreme court is requested to report on the accomplishments and progress of implementing the branch information technology strategic plan to the general government and transportation appropriation subcommittee during the 2005 legislative session. The report is to include an analysis of the viability for continuance of the branch information technology effort and a list of accomplishments, including but not limited to the goals and objectives established in the branch information technology strategic plan.

#### MONTANA CHIROPRACTIC LEGAL PANEL (2115)

|    |                             |        |   |        |   |        |   |        |
|----|-----------------------------|--------|---|--------|---|--------|---|--------|
| 1. | Legal Panel Operations (01) |        |   |        |   |        |   |        |
|    | 0                           | 15,000 | 0 | 0      | 0 | 15,000 | 0 | 15,000 |
|    | 0                           | 0      | 0 | 15,000 |   |        |   |        |

|       |   |        |   |        |   |        |   |        |
|-------|---|--------|---|--------|---|--------|---|--------|
| Total | 0 | 15,000 | 0 | 0      | 0 | 15,000 | 0 | 15,000 |
|       | 0 | 0      | 0 | 15,000 |   |        |   |        |

#### GOVERNOR'S OFFICE (3101)

|    |   |         |   |           |   |           |           |         |
|----|---|---------|---|-----------|---|-----------|-----------|---------|
| 1. | Executive Office Program (01)           |         |   |           |   |           |           |         |
|    | 1,315,975                               | 429,445 | 0 | 0         | 0 | 1,745,420 | 1,308,634 | 437,288 |
|    | 0                                       | 0       | 0 | 1,745,922 |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial) |         |   |           |   |           |           |         |
|    | 31,546                                  | 0       | 0 | 0         | 0 | 31,546    | 0         | 0       |
|    | 0                                       | 0       | 0 | 0         |   |           |           |         |
| b. | Economic Development (Restricted)       |         |   |           |   |           |           |         |
|    | 688,905                                 | 115,660 | 0 | 0         | 0 | 804,565   | 689,575   | 115,926 |
|    | 0                                       | 0       | 0 | 805,501   |   |           |           |         |
| c. | Computer Equipment (OTO)                |         |   |           |   |           |           |         |
|    | 20,933                                  | 0       | 0 | 0         | 0 | 20,933    | 0         | 0       |
|    | 0                                       | 0       | 0 | 0         |   |           |           |         |
| 2. | Mansion Maintenance Program (02)        |         |   |           |   |           |           |         |
|    | 79,521                                  | 0       | 0 | 0         | 0 | 79,521    | 79,504    | 0       |
|    | 0                                       | 0       | 0 | 79,504    |   |           |           |         |

|    |  |         |           |           |   |           |           |        |
|----|--|---------|-----------|-----------|---|-----------|-----------|--------|
| 3. | Air Transportation Program (03)                                      |         |           |           |   |           |           |        |
|    | 177,880  | 41,000  | 0         | 0         | 0 | 218,880   | 180,000   | 41,000 |
|    | 0  | 0       | 0         | 221,000   |   |           |           |        |
| 4. | Office of Budget and Program Planning (04)                           |         |           |           |   |           |           |        |
|    | 1,057,353  | 0       | 0         | 0         | 0 | 1,057,353 | 1,067,025 | 0      |
|    | 0  | 0       | 0         | 1,067,025 |   |           |           |        |
| a. | Legislative Audit (Restricted/Biennial)                              |         |           |           |   |           |           |        |
|    | 16,824   | 0       | 0         | 0         | 0 | 16,824    | 0         | 0      |
|    | 0  | 0       | 0         | 0         |   |           |           |        |
| 5. | Indian Affairs (05)  |         |           |           |   |           |           |        |
|    | 136,878  | 0       | 0         | 0         | 0 | 136,878   | 137,701   | 0      |
|    | 0  | 0       | 0         | 137,701   |   |           |           |        |
| a. | State-Tribal Economic Development -- Carryover (Restricted/Biennial) |         |           |           |   |           |           |        |
|    | 0  | 154,000 | 2,000,000 | 0         | 0 | 2,154,000 | 0         | 0      |
|    | 0  | 0       | 0         | 0         |   |           |           |        |
| 6. | Lieutenant Governor (12)   |         |           |           |   |           |           |        |
|    | 246,492  | 0       | 0         | 0         | 0 | 246,492   | 247,150   | 0      |
|    | 0  | 0       | 0         | 247,150   |   |           |           |        |
| 7. | Citizens' Advocate Office (16)                                       |         |           |           |   |           |           |        |
|    | 72,479   | 0       | 15,000    | 0         | 0 | 87,479    | 72,380    | 0      |
|    | 15,000   | 0       | 0         | 87,380    |   |           |           |        |
| 8. | Mental Disabilities Board of Visitors (20)                           |         |           |           |   |           |           |        |
|    | 205,939  | 0       | 95,444    | 0         | 0 | 301,383   | 205,801   | 0      |
|    | 95,427   | 0       | 0         | 301,228   |   |           |           |        |

|       |           |         |           |           |   |           |           |         |
|-------|-----------|---------|-----------|-----------|---|-----------|-----------|---------|
| Total | 4,050,725 | 740,105 | 2,110,444 | 0         | 0 | 6,901,274 | 3,987,770 | 594,214 |
|       | 110,427   | 0       | 0         | 4,692,411 |   |           |           |         |

Item 1 includes a reduction in general fund money of \$40,916 in fiscal year 2004 and \$40,281 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The office may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2005 legislature to provide required extradition and transportation of prisoners.

#### SECRETARY OF STATE (3201)

The secretary of state is appropriated up to \$20 million of federal special revenue and up to \$750,000 of state special revenue for the 2005 biennium to provide voter services under the federal Help America Vote Act of 2002. Federal special revenue funds are contingent upon receiving federal grant authority under the Help America Vote Act. State special revenue funds are contingent upon receiving matching funds from local government voting entities. Funding is restricted for use only on expenditures associated with the Help America Vote Act and are biennial appropriations for the 2005 biennium.

#### COMMISSIONER OF POLITICAL PRACTICES (3202)

|    |   |   |   |         |   |         |         |   |
|----|---|---|---|---------|---|---------|---------|---|
| 1. | Administration (01)                     |   |   |         |   |         |         |   |
|    | 314,426                                 | 0 | 0 | 0       | 0 | 314,426 | 314,350 | 0 |
|    | 0                                       | 0 | 0 | 314,350 |   |         |         |   |
| a. | Legislative Audit (Restricted/Biennial) |   |   |         |   |         |         |   |
|    | 5,258                                   | 0 | 0 | 0       | 0 | 5,258   | 0       | 0 |
|    | 0                                       | 0 | 0 | 0       |   |         |         |   |

|       |         |   |   |         |   |         |         |   |
|-------|---------|---|---|---------|---|---------|---------|---|
| Total | 319,684 | 0 | 0 | 0       | 0 | 319,684 | 314,350 | 0 |
|       | 0       | 0 | 0 | 314,350 |   |         |         |   |

Item 1 includes a reduction in general fund money of \$3,229 in fiscal year 2004 and \$3,175 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

#### OFFICE OF THE STATE AUDITOR (3401)

|    |                         |         |   |         |   |         |   |         |
|----|-------------------------|---------|---|---------|---|---------|---|---------|
| 1. | Central Management (01) |         |   |         |   |         |   |         |
|    | 0                       | 533,129 | 0 | 0       | 0 | 533,129 | 0 | 533,878 |
|    | 0                       | 0       | 0 | 533,878 |   |         |   |         |

|                                     |             |   |             |             |   |             |   |             |  |
|-------------------------------------|-------------|---|-------------|-------------|---|-------------|---|-------------|--|
|                                     | a.          | Legislative Audit (Restricted/Biennial)                       |             |             |   |             |   |             |  |
|                                     | 0           | 5,363   | 0           | 0           | 0 | 5,363       | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
| 2.                                  |             | Insurance Program (03)  |             |             |   |             |   |             |  |
|                                     | 0           | 2,694,089   | 0           | 0           | 0 | 2,694,089   | 0 | 2,695,835   |  |
|                                     | 0           | 0   | 0           | 2,695,835   |   |             |   |             |  |
|                                     | a.          | Legislative Audit (Restricted/Biennial)                       |             |             |   |             |   |             |  |
|                                     | 0           | 23,344  | 0           | 0           | 0 | 23,344      | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
|                                     | b.          | Contract Examinations (Restricted)                            |             |             |   |             |   |             |  |
|                                     | 0           | 197,000   | 0           | 0           | 0 | 197,000     | 0 | 301,000     |  |
|                                     | 0           | 0   | 0           | 301,000     |   |             |   |             |  |
| 3.                                  |             | Securities (04)   |             |             |   |             |   |             |  |
|                                     | 0           | 624,164   | 0           | 0           | 0 | 624,164     | 0 | 620,033     |  |
|                                     | 0           | 0   | 0           | 620,033     |   |             |   |             |  |
|                                     | a.          | Legislative Audit (Restricted/Biennial)                       |             |             |   |             |   |             |  |
|                                     | 0           | 2,839   | 0           | 0           | 0 | 2,839       | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
|                                     | b.          | Contract Examinations (Restricted)                            |             |             |   |             |   |             |  |
|                                     | 0           | 89,615  | 0           | 0           | 0 | 89,615      | 0 | 89,615      |  |
|                                     | 0           | 0   | 0           | 89,615      |   |             |   |             |  |
| <hr/>                               |             |   |             |             |   |             |   |             |  |
| Total                               |             |   |             |             |   |             |   |             |  |
|                                     | 0           | 4,169,543   | 0           | 0           | 0 | 4,169,543   | 0 | 4,240,361   |  |
|                                     | 0           | 0   | 0           | 4,240,361   |   |             |   |             |  |
| DEPARTMENT OF TRANSPORTATION (5401) |             |   |             |             |   |             |   |             |  |
| 1.                                  |             | General Operations Program (01) (Biennial)                    |             |             |   |             |   |             |  |
|                                     | 0           | 14,462,680  | 5,422,198   | 0           | 0 | 19,884,878  | 0 | 14,939,562  |  |
|                                     | 5,422,277   | 0   | 0           | 20,361,839  |   |             |   |             |  |
|                                     | a.          | Legislative Audit (Restricted/Biennial)                       |             |             |   |             |   |             |  |
|                                     | 0           | 110,411   | 0           | 0           | 0 | 110,411     | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
|                                     | b.          | Integrated Financial Systems (Restricted/OTO)                 |             |             |   |             |   |             |  |
|                                     | 0           | 0   | 2,250,000   | 0           | 0 | 2,250,000   | 0 | 0           |  |
|                                     | 2,250,000   | 0   | 0           | 2,250,000   |   |             |   |             |  |
| 2.                                  |             | Construction Program (02) (Biennial)                          |             |             |   |             |   |             |  |
|                                     | 0           | 116,830,815   | 287,854,080 | 0           | 0 | 404,684,895 | 0 | 124,299,565 |  |
|                                     | 341,603,530 | 0   | 0           | 465,903,095 |   |             |   |             |  |
|                                     | a.          | Conversion to English Measure (OTO)                           |             |             |   |             |   |             |  |
|                                     | 0           | 1,000,000   | 0           | 0           | 0 | 1,000,000   | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
| 3.                                  |             | Maintenance Program (03) (Biennial)                           |             |             |   |             |   |             |  |
|                                     | 0           | 80,475,134  | 10,038,652  | 0           | 0 | 90,513,786  | 0 | 80,768,022  |  |
|                                     | 10,038,652  | 0   | 0           | 90,806,674  |   |             |   |             |  |
| 4.                                  |             | Motor Carrier Services Division (22)                          |             |             |   |             |   |             |  |
|                                     | 0           | 5,247,636   | 0           | 0           | 0 | 5,247,636   | 0 | 5,293,111   |  |
|                                     | 0           | 0   | 0           | 5,293,111   |   |             |   |             |  |
| 5.                                  |             | Aeronautics Program (40)                                      |             |             |   |             |   |             |  |
|                                     | 0           | 793,704   | 0           | 0           | 0 | 793,704     | 0 | 823,385     |  |
|                                     | 0           | 0   | 0           | 823,385     |   |             |   |             |  |
|                                     | a.          | Airport Grants (Biennial)                                     |             |             |   |             |   |             |  |
|                                     | 0           | 1,033,000   | 0           | 0           | 0 | 1,033,000   | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
|                                     | b.          | Statewide Plan Update (Biennial)                              |             |             |   |             |   |             |  |
|                                     | 0           | 20,000  | 180,000     | 0           | 0 | 200,000     | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |
|                                     | c.          | West Yellowstone Airport Runway Rehabilitation (Biennial/OTO) |             |             |   |             |   |             |  |
|                                     | 0           | 0   | 1,800,000   | 0           | 0 | 1,800,000   | 0 | 0           |  |
|                                     | 0           | 0   | 0           | 0           |   |             |   |             |  |

|           |   |             |             |             |   |             |   |             |
|-----------|---|-------------|-------------|-------------|---|-------------|---|-------------|
| d.        | Lincoln Airport Runway Rehabilitation (Biennial/OTO)                |             |             |             |   |             |   |             |
|           | 0   | 180,000     | 1,620,000   | 0           | 0 | 1,800,000   | 0 | 0           |
|           | 0   | 0           | 0           | 0           |   |             |   |             |
| 6.        | Transportation Planning Division (50) (Biennial)                    |             |             |             |   |             |   |             |
|           | 0   | 2,838,624   | 7,155,753   | 0           | 0 | 9,994,377   | 0 | 2,538,866   |
| 8,984,315 | 0   | 0           | 0           | 11,523,181  |   |             |   |             |
| a.        | Federal Transit Administration (Restricted)                         |             |             |             |   |             |   |             |
|           | 0   | 0           | 1,528,000   | 0           | 0 | 1,528,000   | 0 | 0           |
|           | 0   | 0           | 0           | 0           |   |             |   |             |
| b.        | Federal Earmark (OTO)   |             |             |             |   |             |   |             |
|           | 0   | 68,664      | 274,657     | 0           | 0 | 343,321     | 0 | 0           |
|           | 0   | 0           | 0           | 0           |   |             |   |             |
| c.        | Multimodal Transportation Corridor Technical Assistant (Restricted) |             |             |             |   |             |   |             |
|           | 0   | 50,000      | 200,000     | 0           | 0 | 250,000     | 0 | 0           |
|           | 0   | 0           | 0           | 0           |   |             |   |             |
| <hr/>     |   |             |             |             |   |             |   |             |
| Total     | 0   | 223,110,668 | 318,323,340 | 0           | 0 | 541,434,008 | 0 | 228,662,511 |
|           | 368,298,774   | 0           | 0           | 596,961,285 |   |             |   |             |

The department may adjust appropriations in the general operations, construction, maintenance, and transportation planning programs between state special revenue and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

All federal special revenue appropriations in the department are biennial.

All appropriations in the general operations, construction, maintenance, and transportation planning programs are biennial.

Item 2 includes a total of \$63,690 for the 2005 biennium for the Montana natural resource information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

#### DEPARTMENT OF REVENUE (5801)

|       |  |           |           |            |   |            |            |         |
|-------|--|-----------|-----------|------------|---|------------|------------|---------|
| 1.    | Director's Office (01)                   |           |           |            |   |            |            |         |
|       | 1,812,503                                | 0         | 93,553    | 30,072     | 0 | 1,936,128  | 1,818,150  | 0       |
|       | 93,553                                   | 30,072    | 0         | 1,941,775  |   |            |            |         |
| a.    | Legislative Audit (Restricted/Biennial)  |           |           |            |   |            |            |         |
|       | 129,528                                  | 0         | 9,800     | 0          | 0 | 139,328    | 0          | 0       |
|       | 0  | 0         | 0         | 0          |   |            |            |         |
| 2.    | Information Technology (02)              |           |           |            |   |            |            |         |
|       | 2,536,850                                | 0         | 183,365   | 64,245     | 0 | 2,784,460  | 2,544,528  | 0       |
|       | 183,365                                  | 64,245    | 0         | 2,792,138  |   |            |            |         |
| a.    | POINTS Phase I Maintenance (OTO)         |           |           |            |   |            |            |         |
|       | 300,000                                  | 0         | 0         | 0          | 0 | 300,000    | 300,000    | 0       |
|       | 0  | 0         | 0         | 300,000    |   |            |            |         |
| 3.    | Resource Management (05)                 |           |           |            |   |            |            |         |
|       | 1,060,772                                | 0         | 97,296    | 1,136,301  | 0 | 2,294,369  | 1,062,292  | 0       |
|       | 97,296                                   | 1,142,526 | 0         | 2,302,114  |   |            |            |         |
| 4.    | Customer Service Center (06)             |           |           |            |   |            |            |         |
|       | 4,071,916                                | 356,397   | 878,199   | 762,765    | 0 | 6,069,277  | 4,081,801  | 357,110 |
|       | 878,199                                  | 762,765   | 0         | 6,079,875  |   |            |            |         |
| 5.    | Compliance Valuation and Resolution (08) |           |           |            |   |            |            |         |
|       | 19,852,596                               | 192,759   | 1,109,904 | 0          | 0 | 21,155,259 | 19,788,931 | 196,053 |
|       | 1,109,904                                | 0         | 0         | 21,094,888 |   |            |            |         |
| <hr/> |  |           |           |            |   |            |            |         |
| Total | 29,764,165                               | 549,156   | 2,372,117 | 1,993,383  | 0 | 34,678,821 | 29,595,702 | 553,163 |
|       | 2,362,317                                | 1,999,608 | 0         | 34,510,790 |   |            |            |         |

Item 1 includes a reduction in general fund money of \$300,648 in fiscal year 2004 and \$298,946 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

Liquor division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profits and taxes to appropriate accounts are appropriated from the liquor enterprise fund (06005) to the department in amounts not to exceed \$67,588,169 in fiscal year 2004 and \$70,782,541 in fiscal year 2005.

In the liquor division, upon a termination that requires a payout of accrued leave balances, liquor division proprietary funds are appropriated from the liquor enterprise fund (06005) to the department in the amount equal to the payout of the accrued leave balances, not to exceed \$30,000 for each of fiscal years 2004 and 2005.

In the event that the department is unable to meet statutory service levels because of the increase in demand for liquor products, the department may hire additional temporary employees or pay overtime, whichever is determined to be the more cost-effective, to maintain required service levels to stores. In fiscal year 2004 and in fiscal year 2005, the department is appropriated not more than \$40,000 each year for additional costs from the liquor enterprise fund.

The department shall present reports to the revenue and transportation interim committee that show the cost of tax compliance staff and the additional revenue generated from providing the associated tax compliance. The department shall identify the costs and revenue separately for the additional staff added during the August 2002 special legislative session. The revenue and transportation interim committee may determine the frequency for reporting by the department on compliance staff revenue.

DEPARTMENT OF ADMINISTRATION (6101)

|    |   |   |           |           |         |           |           |           |  |
|----|---|---|-----------|-----------|---------|-----------|-----------|-----------|--|
| 1. | Governor-Elect Program (02)                     |   |           |           |         |           |           |           |  |
|    | 0   | 0   | 0         | 0         | 0       | 0         | 50,000    | 0         |  |
|    | 0   | 0   | 0         | 50,000    |         |           |           |           |  |
| 2. | Administrative Financial Services Division (03) |   |           |           |         |           |           |           |  |
|    | 1,190,512                                       | 389,816   | 62,708    | 43,776    | 0       | 1,686,812 | 1,180,369 | 384,224   |  |
|    | 62,594  | 43,688  | 0         | 1,670,875 |         |           |           |           |  |
|    | a.  | Legislative Audit (Restricted/Biennial)             |           |           |         |           |           |           |  |
|    | 9,902   | 663   | 0         | 0         | 0       | 10,565    | 0         | 0         |  |
|    | 0   | 0   | 0         | 0         |         |           |           |           |  |
|    | b.  | Federal Portion of State Fund Dividend (Restricted) |           |           |         |           |           |           |  |
|    | 0   | 0   | 100,000   | 0         | 0       | 100,000   | 0         | 0         |  |
|    | 100,000   | 0   | 0         | 100,000   |         |           |           |           |  |
| 3. | Architecture and Engineering Program (04)       |   |           |           |         |           |           |           |  |
|    | 0   | 1,218,461   | 0         | 0         | 11,542  | 1,230,003 | 0         | 1,221,118 |  |
|    | 0   | 0   | 18,369    | 1,239,487 |         |           |           |           |  |
|    | a.  | Legislative Audit (Restricted/Biennial)             |           |           |         |           |           |           |  |
|    | 0   | 1,769   | 0         | 0         | 0       | 1,769     | 0         | 0         |  |
|    | 0   | 0   | 0         | 0         |         |           |           |           |  |
| 4. | General Services Program (06)                   |   |           |           |         |           |           |           |  |
|    | 584,790   | 0   | 0         | 0         | 500,000 | 1,084,790 | 582,138   | 0         |  |
|    | 0   | 0   | 500,000   | 1,082,138 |         |           |           |           |  |
| 5. | Information Technology Services Division (07)   |   |           |           |         |           |           |           |  |
|    | 154,646   | 0   | 469,156   | 0         | 0       | 623,802   | 155,360   | 0         |  |
|    | 469,543   | 0   | 0         | 624,903   |         |           |           |           |  |
|    | a.  | Legislative Audit (Restricted/Biennial)             |           |           |         |           |           |           |  |
|    | 3,152   | 0   | 1,261     | 0         | 0       | 4,413     | 0         | 0         |  |
|    | 0   | 0   | 0         | 0         |         |           |           |           |  |
|    | b.  | Public Safety Communications (Restricted/Biennial)  |           |           |         |           |           |           |  |
|    | 0   | 0   | 2,250,000 | 0         | 0       | 2,250,000 | 0         | 0         |  |
|    | 0   | 0   | 0         | 0         |         |           |           |           |  |
|    | c.  | Statewide Roadway Centerline GIS (OTO)              |           |           |         |           |           |           |  |
|    | 0   | 0   | 29,583    | 0         | 0       | 29,583    | 0         | 0         |  |
|    | 30,457  | 0   | 0         | 30,457    |         |           |           |           |  |
| 6. | Banking and Financial Division (14)             |   |           |           |         |           |           |           |  |
|    | 0   | 2,198,088   | 0         | 0         | 0       | 2,198,088 | 0         | 2,232,411 |  |
|    | 0   | 0   | 0         | 2,232,411 |         |           |           |           |  |
|    | a.  | Legislative Audit (Restricted/Biennial)             |           |           |         |           |           |           |  |
|    | 0   | 2,975   | 0         | 0         | 0       | 2,975     | 0         | 0         |  |
|    | 0   | 0   | 0         | 0         |         |           |           |           |  |
| 7. | Montana State Lottery (15)                      |   |           |           |         |           |           |           |  |
|    | 0   | 0   | 0         | 8,307,564 | 0       | 8,307,564 | 0         | 0         |  |
|    | 0   | 7,295,036   | 0         | 7,295,036 |         |           |           |           |  |
|    | a.  | Legislative Audit (Restricted/Biennial)             |           |           |         |           |           |           |  |
|    | 0   | 0   | 0         | 81,713    | 0       | 81,713    | 0         | 0         |  |

|       |  |           |           |            |         |            |           |           |
|-------|--|-----------|-----------|------------|---------|------------|-----------|-----------|
|       | 0  | 0         | 0         | 0          |         |            |           |           |
| b.    | Professional Service Contracts (Restricted/Biennial/OTO) |           |           |            |         |            |           |           |
|       | 0  | 0         | 0         | 160,000    | 0       | 160,000    | 0         | 0         |
|       | 0  | 0         | 0         | 0          |         |            |           |           |
| 8.    | State Personnel Division (23)                            |           |           |            |         |            |           |           |
|       | 1,207,161  | 27,543    | 0         | 0          | 0       | 1,234,704  | 1,209,084 | 27,543    |
|       | 0  | 0         | 0         | 1,236,627  |         |            |           |           |
| 9.    | State Tax Appeal Board (37)                              |           |           |            |         |            |           |           |
|       | 327,301  | 0         | 0         | 0          | 0       | 327,301    | 329,786   | 0         |
|       | 0  | 0         | 0         | 329,786    |         |            |           |           |
| <hr/> |  |           |           |            |         |            |           |           |
| Total | 3,477,464  | 3,839,315 | 2,912,708 | 8,593,053  | 511,542 | 19,334,082 | 3,506,737 | 3,865,296 |
|       | 662,594  | 7,338,724 | 518,369   | 15,891,720 |         |            |           |           |

Item 2 includes a reduction of \$229,571 in fiscal year 2004 and \$229,571 in fiscal year 2005 of general fund money and like increases in state special revenue that are contingent upon passage and approval of House Bill No. 126 in a form that provides for fines to be deposited in a state special revenue fund. If House Bill No. 126 is passed and approved and revenue deposited in the state special revenue fund is less than the amount of state special revenue contained in item 2, there is appropriated from the general fund up to \$200,000 in fiscal year 2004 and \$200,000 in fiscal year 2005. If House Bill No. 126 is not passed and approved, state special revenue in item 2 is reduced and general fund money is increased by \$229,571 in fiscal year 2004 and by \$229,571 in fiscal year 2005.

Item 2 includes a reduction in general fund money of \$35,126 in fiscal year 2004 and \$35,422 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

#### APPELLATE DEFENDER COMMISSION (6102)

|       |   |   |   |         |   |         |         |   |
|-------|---|---|---|---------|---|---------|---------|---|
| 1.    | Appellate Defender (01)                 |   |   |         |   |         |         |   |
|       | 178,370                                 | 0 | 0 | 0       | 0 | 178,370 | 179,194 | 0 |
|       | 0                                       | 0 | 0 | 179,194 |   |         |         |   |
| a.    | Legislative Audit (Restricted/Biennial) |   |   |         |   |         |         |   |
|       | 275                                     | 0 | 0 | 0       | 0 | 275     | 0       | 0 |
|       | 0                                       | 0 | 0 | 0       |   |         |         |   |
| <hr/> |   |   |   |         |   |         |         |   |
| Total | 178,645                                 | 0 | 0 | 0       | 0 | 178,645 | 179,194 | 0 |
|       | 0                                       | 0 | 0 | 179,194 |   |         |         |   |

Item 1 includes a reduction in general fund money of \$1,805 in fiscal year 2004 and \$1,810 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

#### TOTAL SECTION A

|             |             |             |             |         |             |            |             |
|-------------|-------------|-------------|-------------|---------|-------------|------------|-------------|
| 74,303,232  | 238,617,824 | 326,109,293 | 10,586,436  | 511,542 | 650,128,327 | 74,752,428 | 243,452,090 |
| 371,824,130 | 9,338,332   | 518,369     | 699,885,349 |         |             |            |             |

#### B. HEALTH AND HUMAN SERVICES

##### DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901)

|    |   |           |             |             |   |             |            |           |
|----|---|-----------|-------------|-------------|---|-------------|------------|-----------|
| 1. | Human and Community Services (02)   |           |             |             |   |             |            |           |
|    | 21,990,958  | 510,251   | 162,721,625 | 0           | 0 | 185,222,834 | 21,399,664 | 510,251   |
|    | 162,122,187   | 0         | 0           | 184,032,102 |   |             |            |           |
| a. | Child Care -- Prevention and Stabilization Fund (Restricted)                          |           |             |             |   |             |            |           |
|    | 0   | 6,101,960 | 0           | 0           | 0 | 6,101,960   | 0          | 8,291,981 |
|    | 0   | 0         | 0           | 8,291,981   |   |             |            |           |
| b. | Additional Tribes Implementing Tribal TANF Plans -- Prevention and Stabilization Fund |           |             |             |   |             |            |           |
|    | 0   | 100,000   | 0           | 0           | 0 | 100,000     | 0          | 100,000   |
|    | 0   | 0         | 0           | 100,000     |   |             |            |           |
| 2. | Child and Family Services Division (03)   |           |             |             |   |             |            |           |
|    | 19,761,992  | 1,667,550 | 27,436,453  | 0           | 0 | 48,865,995  | 19,984,077 | 1,994,550 |
|    | 28,117,931  | 0         | 0           | 50,096,558  |   |             |            |           |

|   |  |            |             |   |             |            |           |  |
|---|--|------------|-------------|---|-------------|------------|-----------|--|
| a. CPS Child Care and Match for Federal Grant -- Prevention and Stabilization Fund    |  |            |             |   |             |            |           |  |
| 0   | 325,013                                  | 0          | 0           | 0 | 325,013     | 0          | 325,013   |  |
| 0   | 0  | 0          | 325,013     |   |             |            |           |  |
| b. Maintain Domestic Violence Prevention Funding -- Prevention and Stabilization Fund |  |            |             |   |             |            |           |  |
| 0   | 77,641                                   | 0          | 0           | 0 | 77,641      | 0          | 77,641    |  |
| 0   | 0  | 0          | 77,641      |   |             |            |           |  |
| 3.  | Director's Office (04)                   |            |             |   |             |            |           |  |
| 1,034,392   | 222,766                                  | 1,261,395  | 0           | 0 | 2,518,553   | 1,037,100  | 223,138   |  |
| 1,263,529   | 0  | 0          | 2,523,767   |   |             |            |           |  |
| a. Refinancing Authority (OTO)  |  |            |             |   |             |            |           |  |
| 0   | 0  | 5,050,000  | 0           | 0 | 5,050,000   | 0          | 0         |  |
| 5,050,000   | 0  | 0          | 5,050,000   |   |             |            |           |  |
| b. General Fund Increase  |  |            |             |   |             |            |           |  |
| 8,834,645   | 0  | 0          | 0           | 0 | 8,834,645   | 8,763,853  | 0         |  |
| 0   | 0  | 0          | 8,763,853   |   |             |            |           |  |
| 4.  | Child Support Enforcement Division (05)  |            |             |   |             |            |           |  |
| 276,465   | 2,356,446                                | 5,226,005  | 0           | 0 | 7,858,916   | 276,386    | 2,362,080 |  |
| 5,237,458   | 0  | 0          | 7,875,924   |   |             |            |           |  |
| a. Maintain Funding for CSED -- Prevention and Stabilization Fund                     |  |            |             |   |             |            |           |  |
| 0   | 750,000                                  | 1,500,000  | 0           | 0 | 2,250,000   | 0          | 750,000   |  |
| 1,500,000   | 0  | 0          | 2,250,000   |   |             |            |           |  |
| 5.  | Fiscal Services Division (06)            |            |             |   |             |            |           |  |
| 2,280,658   | 264,584                                  | 2,336,697  | 0           | 0 | 4,881,939   | 2,315,781  | 270,196   |  |
| 2,385,799   | 0  | 0          | 4,971,776   |   |             |            |           |  |
| a. Legislative Audit (Restricted/Biennial)  |  |            |             |   |             |            |           |  |
| 159,701   | 39,038                                   | 156,152    | 0           | 0 | 354,891     | 0          | 0         |  |
| 0   | 0  | 0          | 0           |   |             |            |           |  |
| 6.  | Health Policy and Services Division (07) |            |             |   |             |            |           |  |
| 1,973,403   | 3,108,527                                | 40,546,464 | 0           | 0 | 45,628,394  | 1,984,060  | 3,100,857 |  |
| 40,539,237  | 0  | 0          | 45,624,154  |   |             |            |           |  |
| a. MIAMI/Perinatal -- Prevention and Stabilization Fund                               |  |            |             |   |             |            |           |  |
| 0   | 581,379                                  | 0          | 0           | 0 | 581,379     | 0          | 581,379   |  |
| 0   | 0  | 0          | 581,379     |   |             |            |           |  |
| b. WIC Farmer's Market Match -- Prevention and Stabilization Fund                     |  |            |             |   |             |            |           |  |
| 0   | 12,828                                   | 0          | 0           | 0 | 12,828      | 0          | 12,828    |  |
| 0   | 0  | 0          | 12,828      |   |             |            |           |  |
| c. Poison Control System -- Prevention and Stabilization Fund                         |  |            |             |   |             |            |           |  |
| 0   | 38,954                                   | 0          | 0           | 0 | 38,954      | 0          | 38,954    |  |
| 0   | 0  | 0          | 38,954      |   |             |            |           |  |
| d. AIDS Treatment/Services -- Prevention and Stabilization Fund                       |  |            |             |   |             |            |           |  |
| 0   | 42,000                                   | 0          | 0           | 0 | 42,000      | 0          | 42,000    |  |
| 0   | 0  | 0          | 42,000      |   |             |            |           |  |
| e. Tobacco Control and Prevention   |  |            |             |   |             |            |           |  |
| 0   | 3,200,000                                | 843,305    | 0           | 0 | 4,043,305   | 0          | 3,200,000 |  |
| 843,249   | 0  | 0          | 4,043,249   |   |             |            |           |  |
| 7.  | Quality Assurance Division (08)          |            |             |   |             |            |           |  |
| 2,195,529   | 271,018                                  | 5,214,341  | 0           | 0 | 7,680,888   | 2,193,872  | 270,982   |  |
| 5,215,120   | 0  | 0          | 7,679,974   |   |             |            |           |  |
| 8.  | Operations and Technology Division (09)  |            |             |   |             |            |           |  |
| 9,006,907   | 927,614                                  | 15,266,054 | 0           | 0 | 25,200,575  | 9,052,065  | 937,117   |  |
| 15,320,918  | 0  | 0          | 25,310,100  |   |             |            |           |  |
| 9.  | Disability Services Division (10)        |            |             |   |             |            |           |  |
| 43,340,339  | 1,216,410                                | 79,069,620 | 0           | 0 | 123,626,369 | 41,044,375 | 1,246,803 |  |
| 80,332,842  | 0  | 0          | 122,624,020 |   |             |            |           |  |
| a. Eastmont Change of Mission (Restricted/OTO)  |  |            |             |   |             |            |           |  |
| 580,000   | 0  | 0          | 0           | 0 | 580,000     | 0          | 0         |  |
| 0   | 0  | 0          | 0           |   |             |            |           |  |
| b. Children's Services Refinancing (OTO)  |  |            |             |   |             |            |           |  |
| 1,000,000   | 0  | 0          | 0           | 0 | 1,000,000   | 0          | 0         |  |



|     |  |           |             |             |   |             |            |
|-----|--|-----------|-------------|-------------|---|-------------|------------|
|     | 0  | 0         | 0           | 0           |   |             |            |
| c.  | Visual Services Medical -- Prevention and Stabilization Fund                 |           |             |             |   |             |            |
|     | 0  | 84,834    | 0           | 0           | 0 | 84,834      | 0          |
|     | 0  | 0         | 0           | 84,834      |   |             |            |
| d.  | Extended Employment Benefits -- Prevention and Stabilization Fund            |           |             |             |   |             |            |
|     | 0  | 270,639   | 0           | 0           | 0 | 270,639     | 0          |
|     | 0  | 0         | 0           | 270,639     |   |             |            |
| e.  | Independent Living Services -- Prevention and Stabilization Fund             |           |             |             |   |             |            |
|     | 0  | 228,766   | 0           | 0           | 0 | 228,766     | 0          |
|     | 0  | 0         | 0           | 228,766     |   |             |            |
| f.  | Donated Dental Services -- Prevention and Stabilization Fund                 |           |             |             |   |             |            |
|     | 0  | 25,000    | 0           | 0           | 0 | 25,000      | 0          |
|     | 0  | 0         | 0           | 25,000      |   |             |            |
| g.  | Medicaid Match -- Prevention and Stabilization Fund                          |           |             |             |   |             |            |
|     | 0  | 1,176,797 | 0           | 0           | 0 | 1,176,797   | 0          |
|     | 0  | 0         | 0           | 1,864,975   |   |             |            |
| h.  | MTAP Video Relay (OTO)   |           |             |             |   |             |            |
|     | 0  | 144,600   | 0           | 0           | 0 | 144,600     | 0          |
|     | 0  | 0         | 0           | 144,600     |   |             |            |
| 10. | Child and Adult Health Care Resources (11)                                   |           |             |             |   |             |            |
|     | 56,319,712   | 6,955,446 | 205,860,470 | 0           | 0 | 269,135,628 | 58,317,710 |
|     | 214,093,023  | 0         | 0           | 280,288,581 |   |             |            |
| a.  | Children's Mental Health Services  |           |             |             |   |             |            |
|     | 16,969,571   | 728,591   | 51,670,979  | 0           | 0 | 69,369,141  | 19,112,294 |
|     | 57,780,335   | 0         | 0           | 77,614,452  |   |             |            |
| b.  | Rate Increase for Out-of-Home Care   |           |             |             |   |             |            |
|     | 101,261  | 0         | 272,120     | 0           | 0 | 373,381     | 103,099    |
|     | 270,855  | 0         | 0           | 373,954     |   |             |            |
| c.  | Children's Mental Health Medicaid Match -- Prevention and Stabilization Fund |           |             |             |   |             |            |
|     | 0  | 1,314,712 | (855,340)   | 0           | 0 | 459,372     | 0          |
|     | (938,989)  | 0         | 0           | 1,144,553   |   |             |            |
| d.  | Restore Mental Health Medicaid Rates -- Prevention and Stabilization Fund    |           |             |             |   |             |            |
|     | 0  | 318,288   | 855,340     | 0           | 0 | 1,173,628   | 0          |
|     | 938,989  | 0         | 0           | 1,296,409   |   |             |            |
| e.  | Primary Care Medicaid Services -- Prevention and Stabilization Fund          |           |             |             |   |             |            |
|     | 0  | 4,483,981 | 12,049,872  | 0           | 0 | 16,533,853  | 0          |
|     | 18,668,828   | 0         | 0           | 25,774,994  |   |             |            |
| f.  | Optional Medicaid Services -- Prevention and Stabilization Fund              |           |             |             |   |             |            |
|     | 0  | 250,000   | 671,829     | 0           | 0 | 921,829     | 0          |
|     | 656,783  | 0         | 0           | 906,783     |   |             |            |
| g.  | Restore Nonhospital Medicaid Rates -- Prevention Stabilization Fund          |           |             |             |   |             |            |
|     | 0  | 806,029   | 2,166,053   | 0           | 0 | 2,972,082   | 0          |
|     | 2,360,227  | 0         | 0           | 3,258,631   |   |             |            |
| 11. | Senior and Long-Term Care Division (22)                                      |           |             |             |   |             |            |
|     | 39,256,170   | 6,710,828 | 114,972,156 | 0           | 0 | 160,939,154 | 38,720,653 |
|     | 109,719,360  | 0         | 0           | 155,184,344 |   |             |            |
| a.  | One-Time Medicaid Payments to Nursing Homes                                  |           |             |             |   |             |            |
|     | 0  | 6,077,957 | 16,317,456  | 0           | 0 | 22,395,413  | 0          |
|     | 18,832,208   | 0         | 0           | 25,921,920  |   |             |            |
| b.  | Hospice Program -- Prevention and Stabilization Fund                         |           |             |             |   |             |            |
|     | 0  | 174,466   | 468,845     | 0           | 0 | 643,311     | 0          |
|     | 507,162  | 0         | 0           | 700,210     |   |             |            |
| c.  | Aging Services -- Prevention and Stabilization Fund                          |           |             |             |   |             |            |
|     | 0  | 257,000   | 0           | 0           | 0 | 257,000     | 0          |
|     | 0  | 0         | 0           | 257,000     |   |             |            |
| d.  | Adult Protective Services -- Prevention and Stabilization Fund               |           |             |             |   |             |            |
|     | 0  | 50,000    | 0           | 0           | 0 | 50,000      | 0          |
|     | 0  | 0         | 0           | 50,000      |   |             |            |
| e.  | Home Based Therapy Services -- Prevention and Stabilization Fund             |           |             |             |   |             |            |

|            |  |            |             |               |   |               |             |            |
|------------|--|------------|-------------|---------------|---|---------------|-------------|------------|
|            | 0  | 34,000     | 91,369      | 0             | 0 | 125,369       | 0           | 34,000     |
|            | 89,322   | 0          | 0           | 123,322       |   |               |             |            |
| f.         | Direct Care Worker Increase -- Prevention and Stabilization Fund             |            |             |               |   |               |             |            |
|            | 0  | 88,632     | 238,181     | 0             | 0 | 326,813       | 0           | 191,065    |
| 501,954    | 0  | 0          | 0           | 693,019       |   |               |             |            |
| g.         | Restore Community Services Rate -- Prevention and Stabilization Fund         |            |             |               |   |               |             |            |
|            | 0  | 261,917    | 612,484     | 0             | 0 | 874,401       | 0           | 278,014    |
| 641,057    | 0  | 0          | 0           | 919,071       |   |               |             |            |
| h.         | Senior/Disabled Services Medicaid Match -- Prevention and Stabilization Fund |            |             |               |   |               |             |            |
|            | 0  | 2,793,584  | 6,162,425   | 0             | 0 | 8,956,009     | 0           | 4,427,242  |
| 11,630,944 | 0  | 0          | 0           | 16,058,186    |   |               |             |            |
| 12.        | Addictive and Mental Disorders Division (33)                                 |            |             |               |   |               |             |            |
|            | 38,242,924   | 4,723,714  | 33,564,796  | 0             | 0 | 76,531,434    | 38,948,846  | 4,813,319  |
| 34,429,491 | 0  | 0          | 0           | 78,191,656    |   |               |             |            |
| a.         | Federal Mental Health Block Grant (Restricted)                               |            |             |               |   |               |             |            |
|            | 0  | 0          | 1,300,525   | 0             | 0 | 1,300,525     | 0           | 0          |
| 1,300,525  | 0  | 0          | 0           | 1,300,525     |   |               |             |            |
| b.         | Prescription Drugs for Mentally Ill -- Prevention and Stabilization Fund     |            |             |               |   |               |             |            |
|            | 0  | 4,427,321  | 0           | 0             | 0 | 4,427,321     | 0           | 4,958,599  |
| 0          | 0  | 0          | 0           | 4,958,599     |   |               |             |            |
| c.         | Restore Mental Health Medicaid Rates -- Prevention and Stabilization Fund    |            |             |               |   |               |             |            |
|            | 0  | 104,967    | 282,079     | 0             | 0 | 387,046       | 0           | 117,873    |
| 309,668    | 0  | 0          | 0           | 427,541       |   |               |             |            |
| d.         | Mental Health Medicaid Match -- Prevention and Stabilization Fund            |            |             |               |   |               |             |            |
|            | 0  | 433,574    | 1,165,151   | 0             | 0 | 1,598,725     | 0           | 687,124    |
| 1,805,164  | 0  | 0          | 0           | 2,492,288     |   |               |             |            |
| <hr/>      |  |            |             |               |   |               |             |            |
| Total      | 263,324,627  | 64,739,622 | 794,494,901 | 0             | 0 | 1,122,559,150 | 263,253,835 | 76,091,114 |
|            | 821,525,176  | 0          | 0           | 1,160,870,125 |   |               |             |            |

Item 1 includes \$33,269,235 of federal funds in fiscal year 2004 and \$33,269,235 of federal funds in fiscal year 2005 to fund cash assistance benefits provided under Montana's temporary assistance for needy families (TANF) grant. If caseloads decrease below this level of funding, resulting in a surplus of federal TANF funds, the first \$4 million of surplus funds will be designated as a "rainy day" fund. The rainy day fund may be used for benefit expenditures that may be necessary as a result of future caseload increases or decreases in the federal TANF grant allocation. Surplus funds in excess of \$4 million dollars may be used for other allowable purposes under state and federal law. Expenditures of surplus funds in excess of \$4 million may be made to provide recipients covered by Montana's TANF plan:

- (1) child-care subsidies;
- (2) training and education programs to achieve employment in higher wage jobs, including programs offered by tribal colleges; or
- (3) supportive services needed for employment of TANF recipients.

Items 1a, 1b, 2a, 2b, 4a, 6a through 6d, 9c through 9g, 10c through 10g, 11b through 11h, and 12b through 12d are contingent upon passage and approval of a bill or bills that establish a state special revenue account for prevention and stabilization of department programs that receives at least \$32 million of estimated revenue each year of the 2005 biennium from cigarette and chew tobacco taxes, reallocation of tobacco settlement proceeds allocated by 17-6-606 (2), and other sources.

Funding in item 1a may be used only to provide child-care subsidies, except if Montana receives federal child-care funding greater than the level of federal child-care funding received in fiscal year 2002 (not including TANF grant funds transferred to child care), a portion of the funds in item 1a may be used to provide benefits and services under Montana's TANF program.

Personal services funding for 5 FTE in item 3a is considered a one-time appropriation.

Item 6e includes \$80,000 each year for each federally recognized tribe within Montana in accordance with 17-6-602(3)(b)(ii) that submits and administers a tobacco prevention and control program that meets the conditions required of all community-based contractors. If tobacco prevention and control funds granted to a federally recognized tribe within Montana are not fully expended by the individual grantee within the contract period, these funds may be reallocated for other tobacco use prevention purposes.

If House Bill No. 727 is not passed and approved, funding in item 9 is increased by \$1,915,198 of general fund money in fiscal year 2004 and by \$1,915,952 of general fund money in fiscal year 2005, which includes funding for an additional 60.27 FTE in fiscal year 2004 and an additional 92.27 FTE in fiscal year 2005. If House Bill No. 727 is not passed and approved, general fund money in item 11 is reduced by \$7,452 in fiscal year 2004 and by \$7,488 in fiscal year 2005.

The department shall distribute funds in item 10b in a way that provides reasonable assurance that the funds are used solely

for therapeutic group homes. Rate increases may vary among types of group homes. Funds appropriated in item 10b may be used only for rate increases for therapeutic group homes. Funds in item 10b may not be used to fund other programs.

Up to \$500,000 from cigarette tax revenue allocated to Montana veterans' homes in 16-11-119 may be appropriated to the senior and long-term care division above the level appropriated from cigarette tax revenue in item 11 in fiscal year 2004. The appropriation may be established subject to a determination by the office of budget and program planning that federal revenue and private revenue in fiscal year 2004 are insufficient to operate the homes at capacity to maximize collection of federal and private payments. The office of budget and program planning shall notify the legislative finance committee if it determines that the conditions are met and when the appropriation will become effective.

Funds in item 11a may be used only to make one-time payments to nursing homes based on the number of medicaid services provided. State special revenue in item 11a may be expended only after the office of budget and program planning has certified that the department has received \$1 million each year from counties participating in the intergovernmental transfer program for nursing homes.

The department shall distribute funds in item 11f in a way that provides reasonable assurance that the funds are used solely for direct-care wage and benefit increases. Not all providers or types of direct-care workers must receive the same rate increase for the biennium. Funds appropriated in item 11f may be used only for direct-care worker wage increases. Funds in item 11f may not be used to fund other programs.

Item 12a may be expended only for mental health services. The office of budget and program planning shall certify that the department has received a federal mental health block grant prior to allowing expenditures against the appropriation.

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TOTAL SECTION B

|             |            |             |               |   |               |             |            |
|-------------|------------|-------------|---------------|---|---------------|-------------|------------|
| 263,324,627 | 64,739,622 | 794,494,901 | 0             | 0 | 1,122,559,150 | 263,253,835 | 76,091,114 |
| 821,525,176 | 0          | 0           | 1,160,870,125 |   |               |             |            |

C. NATURAL RESOURCES AND COMMERCE

DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)

|    |  |  |           |            |   |            |           |
|----|--|--|-----------|------------|---|------------|-----------|
| 1. | Administration and Finance Division (01) |  |           |            |   |            |           |
|    | 0  | 5,789,588  | 1,597,300 | 0          | 0 | 7,386,888  | 5,883,614 |
|    | 1,601,074                                | 0  | 0         | 7,484,688  |   |            |           |
|    | a.                                       | Legislative Audit (Restricted/Biennial)                    |           |            |   |            |           |
|    | 0  | 67,035   | 11,830    | 0          | 0 | 78,865     | 0         |
|    | 0  | 0  | 0         | 0          |   |            |           |
| 2. | Field Services Division (02)             |  |           |            |   |            |           |
|    | 0  | 7,072,979  | 780,549   | 0          | 0 | 7,853,528  | 7,577,046 |
|    | 781,952                                  | 0  | 0         | 8,358,998  |   |            |           |
|    | a.                                       | Block Management (OTO)                                     |           |            |   |            |           |
|    | 0  | 733,000  | 0         | 0          | 0 | 733,000    | 733,000   |
|    | 0  | 0  | 0         | 733,000    |   |            |           |
|    | b.                                       | Taxes (OTO)  |           |            |   |            |           |
|    | 0  | 4,609  | 13,828    | 0          | 0 | 18,437     | 4,609     |
|    | 13,828                                   | 0  | 0         | 18,437     |   |            |           |
|    | c.                                       | Public Wildlife Interface (Biennial)                       |           |            |   |            |           |
|    | 0  | 65,000   | 0         | 0          | 0 | 65,000     | 0         |
|    | 0  | 0  | 0         | 0          |   |            |           |
| 3. | Fisheries Division (03)                  |  |           |            |   |            |           |
|    | 0  | 3,625,343  | 6,606,176 | 0          | 0 | 10,231,519 | 3,745,317 |
|    | 6,609,891                                | 0  | 0         | 10,355,208 |   |            |           |
|    | a.                                       | Native Species Landowner Conservation Program (Restricted) |           |            |   |            |           |
|    | 0  | 40,000   | 0         | 0          | 0 | 40,000     | 40,000    |
|    | 0  | 0  | 0         | 40,000     |   |            |           |
|    | b.                                       | Fishing Access Site Assistance (OTO)                       |           |            |   |            |           |
|    | 0  | 25,000   | 0         | 0          | 0 | 25,000     | 25,000    |
|    | 0  | 0  | 0         | 25,000     |   |            |           |
|    | c.                                       | Short-Term Federal Contracts (OTO)                         |           |            |   |            |           |
|    | 0  | 0  | 206,700   | 0          | 0 | 206,700    | 0         |
|    | 10,700                                   | 0  | 0         | 10,700     |   |            |           |
| 4. | Law Enforcement Division (04)            |  |           |            |   |            |           |
|    | 0  | 6,526,346  | 228,707   | 0          | 0 | 6,755,053  | 6,551,269 |

|       |            |  |            |            |   |            |   |            |
|-------|------------|--|------------|------------|---|------------|---|------------|
|       | 232,291    | 0  | 0          | 6,783,560  |   |            |   |            |
| a.    |            | Commercial Licensing (Restricted/OTO)                  |            |            |   |            |   |            |
|       | 0          | 32,000   | 0          | 0          | 0 | 32,000     | 0 | 32,000     |
|       | 0          | 0  | 0          | 32,000     |   |            |   |            |
| b.    |            | Snowmobile Enforcement (Restricted)                    |            |            |   |            |   |            |
|       | 0          | 5,217  | 0          | 0          | 0 | 5,217      | 0 | 5,217      |
|       | 0          | 0  | 0          | 5,217      |   |            |   |            |
| 5.    |            | Wildlife Division (05)                                 |            |            |   |            |   |            |
|       | 0          | 4,043,656  | 3,724,583  | 0          | 0 | 7,768,239  | 0 | 4,056,899  |
|       | 3,741,071  | 0  | 0          | 7,797,970  |   |            |   |            |
| a.    |            | Mountain Lion Research (Restricted/OTO)                |            |            |   |            |   |            |
|       | 0          | 38,847   | 116,542    | 0          | 0 | 155,389    | 0 | 38,840     |
|       | 116,522    | 0  | 0          | 155,362    |   |            |   |            |
| b.    |            | Region 1 Wildlife Conflict Specialist (Restricted/OTO) |            |            |   |            |   |            |
|       | 0          | 37,265   | 0          | 0          | 0 | 37,265     | 0 | 37,185     |
|       | 0          | 0  | 0          | 37,185     |   |            |   |            |
| c.    |            | Equipment (Restricted/OTO)                             |            |            |   |            |   |            |
|       | 0          | 20,000   | 0          | 0          | 0 | 20,000     | 0 | 30,000     |
|       | 0          | 0  | 0          | 30,000     |   |            |   |            |
| d.    |            | Wildlife CWD Management Plan (Restricted/Biennial/OTO) |            |            |   |            |   |            |
|       | 0          | 200,000  | 0          | 0          | 0 | 200,000    | 0 | 0          |
|       | 0          | 0  | 0          | 0          |   |            |   |            |
| e.    |            | Short-Term Federal Contracts (OTO)                     |            |            |   |            |   |            |
|       | 0          | 0  | 168,307    | 0          | 0 | 168,307    | 0 | 0          |
|       | 47,604     | 0  | 0          | 47,604     |   |            |   |            |
| 6.    |            | Parks Division (06)                                    |            |            |   |            |   |            |
|       | 0          | 4,856,159  | 362,371    | 0          | 0 | 5,218,530  | 0 | 4,874,868  |
|       | 362,371    | 0  | 0          | 5,237,239  |   |            |   |            |
| a.    |            | Snowmobile Equipment (Biennial)                        |            |            |   |            |   |            |
|       | 0          | 332,920  | 0          | 0          | 0 | 332,920    | 0 | 0          |
|       | 0          | 0  | 0          | 0          |   |            |   |            |
| b.    |            | Short-Term Federal Contracts (OTO)                     |            |            |   |            |   |            |
|       | 0          | 0  | 35,500     | 0          | 0 | 35,500     | 0 | 0          |
|       | 20,000     | 0  | 0          | 20,000     |   |            |   |            |
| 7.    |            | Conservation Education Division (08)                   |            |            |   |            |   |            |
|       | 0          | 1,794,414  | 757,738    | 0          | 0 | 2,552,152  | 0 | 1,800,322  |
|       | 757,738    | 0  | 0          | 2,558,060  |   |            |   |            |
| a.    |            | Shooting Range Grants (Biennial)                       |            |            |   |            |   |            |
|       | 0          | 160,000  | 0          | 0          | 0 | 160,000    | 0 | 0          |
|       | 0          | 0  | 0          | 0          |   |            |   |            |
| 8.    |            | Department Management (09)                             |            |            |   |            |   |            |
|       | 0          | 2,863,015  | 1,162,842  | 0          | 0 | 4,025,857  | 0 | 2,853,297  |
|       | 1,166,959  | 0  | 0          | 4,020,256  |   |            |   |            |
| a.    |            | Office Maintenance (Restricted/OTO)                    |            |            |   |            |   |            |
|       | 0          | 30,000   | 0          | 0          | 0 | 30,000     | 0 | 30,000     |
|       | 0          | 0  | 0          | 30,000     |   |            |   |            |
| b.    |            | State Wildlife Grant Federal Program (Biennial/OTO)    |            |            |   |            |   |            |
|       | 0          | 160,000  | 1,200,000  | 0          | 0 | 1,360,000  | 0 | 0          |
|       | 0          | 0  | 0          | 0          |   |            |   |            |
| c.    |            | Retirement Liability (Restricted/Biennial/OTO)         |            |            |   |            |   |            |
|       | 0          | 546,800  | 240,000    | 0          | 0 | 786,800    | 0 | 0          |
|       | 0          | 0  | 0          | 0          |   |            |   |            |
| <hr/> |            |  |            |            |   |            |   |            |
| Total | 0          | 39,069,193   | 17,212,973 | 0          | 0 | 56,282,166 | 0 | 38,318,483 |
|       | 15,462,001 | 0  | 0          | 53,780,484 |   |            |   |            |

The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state match money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.

If the department receives additional federal special revenue for services comparable to those with general license revenue, the approving authority shall decrease the state special revenue appropriation by the amount of federal money received and establish the federal funds appropriation. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

The department shall prepare a biennial report of the expenditure of funds under the nongame wildlife checkoff, which must be made available to the environmental quality council, prior to each regular legislative session.

If Senate Bill No. 130 is not passed and approved, item 1 is increased by \$16,513 of state special revenue money in fiscal year 2004 and by \$16,513 of state special revenue money in fiscal year 2005.

If Senate Bill No. 130 is not passed and approved, item 2 is decreased by \$490,104 of state special revenue money in fiscal year 2004 and by \$980,207 of state special revenue money in fiscal year 2005.

If omnibus federal funding for the purpose of building the warm water fish hatchery at Fort Peck is not passed and approved, item 3 is decreased by \$100,000 of state special revenue money in fiscal year 2004 and by \$200,000 of state special revenue money in fiscal year 2005.

If federal money becomes available for the wildlife chronic wasting disease management plan, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If Senate Bill No. 287 is not passed and approved, item 8 is decreased by \$72,169 of state special revenue money in fiscal year 2004 and by \$72,053 of state special revenue money in fiscal year 2005.

#### DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)

|    |  |           |           |            |   |            |           |           |
|----|--|-----------|-----------|------------|---|------------|-----------|-----------|
| 1. | Central Management Program (10)                    |           |           |            |   |            |           |           |
|    | 268,974  | 377,611   | 206,553   | 0          | 0 | 853,138    | 269,926   | 229,376   |
|    | 208,158  | 0         | 0         | 707,460    |   |            |           |           |
| a. | Environmental Rehabilitation (Restricted/Biennial) |           |           |            |   |            |           |           |
|    | 0  | 125,000   | 0         | 0          | 0 | 125,000    | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| b. | Federal One-Stop Grant (Biennial/OTO)              |           |           |            |   |            |           |           |
|    | 0  | 0         | 500,000   | 0          | 0 | 500,000    | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| c. | MEPA Projects Base Adjustment (Biennial)           |           |           |            |   |            |           |           |
|    | 0  | 1,000,000 | 0         | 0          | 0 | 1,000,000  | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| 2. | Planning, Prevention, and Assistance Division (20) |           |           |            |   |            |           |           |
|    | 1,769,258  | 1,192,836 | 9,346,043 | 0          | 0 | 12,308,137 | 1,751,962 | 1,197,296 |
|    | 9,311,378  | 0         | 0         | 12,260,636 |   |            |           |           |
| a. | TMDL Supplemental Grant (Restricted/OTO)           |           |           |            |   |            |           |           |
|    | 0  | 0         | 370,000   | 0          | 0 | 370,000    | 0         | 0         |
|    | 370,000  | 0         | 0         | 370,000    |   |            |           |           |
| b. | Universal System Benefits Charge (Biennial)        |           |           |            |   |            |           |           |
|    | 0  | 200,000   | 0         | 0          | 0 | 200,000    | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| 3. | Enforcement Division (30)                          |           |           |            |   |            |           |           |
|    | 378,877  | 208,495   | 366,247   | 0          | 0 | 953,619    | 379,523   | 209,653   |
|    | 371,629  | 0         | 0         | 960,805    |   |            |           |           |
| 4. | Remediation Division (40)                          |           |           |            |   |            |           |           |
|    | 0  | 4,499,436 | 6,335,244 | 0          | 0 | 10,834,680 | 0         | 4,516,225 |
|    | 6,365,975  | 0         | 0         | 10,882,200 |   |            |           |           |
| a. | Leaking Underground Storage (Biennial/OTO)         |           |           |            |   |            |           |           |
|    | 0  | 34,500    | 310,500   | 0          | 0 | 345,000    | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| b. | Database Consolidation (Restricted/OTO)            |           |           |            |   |            |           |           |
|    | 0  | 23,500    | 36,500    | 0          | 0 | 60,000     | 0         | 23,500    |
|    | 36,500   | 0         | 0         | 60,000     |   |            |           |           |
| c. | Fields Project (Restricted/Biennial/OTO)           |           |           |            |   |            |           |           |
|    | 0  | 11,111    | 100,000   | 0          | 0 | 111,111    | 0         | 0         |
|    | 0  | 0         | 0         | 0          |   |            |           |           |
| 5. | Permitting and Compliance Division (50)            |           |           |            |   |            |           |           |

|            |   |            |            |   |            |           |            |
|------------|---|------------|------------|---|------------|-----------|------------|
| 711,769    | 8,813,997   | 4,462,474  | 0          | 0 | 13,988,240 | 728,350   | 8,861,398  |
| 4,524,876  | 0   | 0          | 14,114,624 |   |            |           |            |
| a.         | Bond Forfeitures/Settlements (Restricted/Biennial)          |            |            |   |            |           |            |
| 0          | 30,392,738  | 0          | 0          | 0 | 30,392,738 | 0         | 0          |
| 0          | 0   | 0          | 0          |   |            |           |            |
| b.         | Hard-Rock Debt Service (Restricted/Biennial)                |            |            |   |            |           |            |
| 0          | 5,500,000   | 0          | 0          | 0 | 5,500,000  | 0         | 0          |
| 0          | 0   | 0          | 0          |   |            |           |            |
| c.         | Hard-Rock Federal Funds (Restricted/Biennial)               |            |            |   |            |           |            |
| 0          | 0   | 4,000,000  | 0          | 0 | 4,000,000  | 0         | 0          |
| 0          | 0   | 0          | 0          |   |            |           |            |
| d.         | Major Facility Siting Adjustment (Restricted/Biennial)      |            |            |   |            |           |            |
| 0          | 300,000   | 0          | 0          | 0 | 300,000    | 0         | 0          |
| 0          | 0   | 0          | 0          |   |            |           |            |
| e.         | Hazardous Waste Contract Services (Restricted/Biennial/OTO) |            |            |   |            |           |            |
| 0          | 90,000  | 0          | 0          | 0 | 90,000     | 0         | 0          |
| 0          | 0   | 0          | 0          |   |            |           |            |
| f.         | Waste Management Database Development (Restricted/OTO)      |            |            |   |            |           |            |
| 0          | 50,000  | 0          | 0          | 0 | 50,000     | 0         | 50,000     |
| 0          | 0   | 0          | 50,000     |   |            |           |            |
| <hr/>      |   |            |            |   |            |           |            |
| Total      |   |            |            |   |            |           |            |
| 3,128,878  | 52,819,224  | 26,033,561 | 0          | 0 | 81,981,663 | 3,129,761 | 15,087,448 |
| 21,188,516 | 0   | 0          | 39,405,725 |   |            |           |            |

If Senate Bill No. 233 is not passed and approved, item 1 is decreased by \$150,000 of state special revenue money in fiscal year 2004.

Item 2 includes a reduction in general fund money of \$31,605 in fiscal year 2004 and \$31,614 in fiscal year 2005. This reduction is the equivalent of 1% of all general fund appropriations each year. The department may reallocate this reduction in funding among divisions when developing 2005 biennium operating plans.

If legislation to extend universal system benefits charge benefits is not passed and approved, item 2b is decreased by \$200,000 of state special revenue money in fiscal year 2004.

The department is authorized to decrease federal special revenue money in the water pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account when:

- (1) the amount of federal capitalization funds has been expended; or
- (2) federal funds and bond proceeds are designated for use for other program purposes.

#### DEPARTMENT OF LIVESTOCK (5603)

|    |  |           |           |           |   |           |           |
|----|--|-----------|-----------|-----------|---|-----------|-----------|
| 1. | Centralized Services Program (01)        |           |           |           |   |           |           |
|    | 0  | 2,025,784 | 65,030    | 0         | 0 | 2,090,814 | 2,041,821 |
|    | 65,030                                   | 0         | 0         | 2,106,851 |   |           |           |
| a. | Legislative Audit (Restricted/Biennial)  |           |           |           |   |           |           |
|    | 0  | 27,603    | 0         | 0         | 0 | 27,603    | 0         |
|    | 0  | 0         | 0         | 0         |   |           |           |
| 2. | Diagnostic Laboratory Program (03)       |           |           |           |   |           |           |
|    | 94,244                                   | 1,350,017 | 0         | 0         | 0 | 1,444,261 | 1,332,614 |
|    | 0  | 0         | 0         | 1,426,823 |   |           |           |
| 3. | Animal Health Division (04)              |           |           |           |   |           |           |
|    | 0  | 680,465   | 1,050,000 | 0         | 0 | 1,730,465 | 654,484   |
|    | 1,050,000                                | 0         | 0         | 1,704,484 |   |           |           |
| 4. | Milk and Egg Program (05)                |           |           |           |   |           |           |
|    | 0  | 210,163   | 32,275    | 0         | 0 | 242,438   | 236,940   |
|    | 32,275                                   | 0         | 0         | 269,215   |   |           |           |
| 5. | Brands Enforcement Division (06)         |           |           |           |   |           |           |
|    | 0  | 2,804,358 | 0         | 0         | 0 | 2,804,358 | 2,756,738 |
|    | 0  | 0         | 0         | 2,756,738 |   |           |           |
| 6. | Meat and Poultry Inspection Program (10) |           |           |           |   |           |           |
|    | 428,580                                  | 6,475     | 428,581   | 0         | 0 | 863,636   | 6,475     |
|    | 432,094                                  | 0         | 0         | 870,662   |   |           |           |

|       |           |           |           |           |   |           |         |           |
|-------|-----------|-----------|-----------|-----------|---|-----------|---------|-----------|
| Total | 522,824   | 7,104,865 | 1,575,886 | 0         | 0 | 9,203,575 | 526,302 | 7,029,072 |
|       | 1,579,399 | 0         | 0         | 9,134,773 |   |           |         |           |

The department shall report to the 2005 legislature's joint appropriations subcommittee on natural resources and commerce, in a brief summary to be determined by the department, on issues involved with brucellosis management within the state of Montana, including but not limited to bison and elk populations within Yellowstone national park, bison removal activities undertaken by the department in fiscal year 2004 and fiscal year 2005, expenditures within the department for brucellosis management, and the status of federal activities and funding continuity.

Item 2 includes a reduction in general fund money of \$5,281 in fiscal year 2004 and \$5,316 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

|    |  |           |         |           |   |           |           |           |
|----|--|-----------|---------|-----------|---|-----------|-----------|-----------|
| 1. | Centralized Services (21)                                    |           |         |           |   |           |           |           |
|    | 1,592,710  | 407,200   | 100,000 | 0         | 0 | 2,099,910 | 1,631,184 | 407,200   |
|    | 75,000   | 0         | 0       | 2,113,384 |   |           |           |           |
| a. | Legislative Audit (Restricted/Biennial)                      |           |         |           |   |           |           |           |
|    | 89,380   | 0         | 0       | 0         | 0 | 89,380    | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| b. | Rewire USF&G Building (Restricted/OTO)                       |           |         |           |   |           |           |           |
|    | 0  | 0         | 18,300  | 0         | 0 | 18,300    | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| 2. | Oil and Gas Conservation Division (22)                       |           |         |           |   |           |           |           |
|    | 0  | 1,355,731 | 0       | 0         | 0 | 1,355,731 | 0         | 1,352,653 |
|    | 0  | 0         | 0       | 1,352,653 |   |           |           |           |
| a. | Heating System Replacement (OTO)                             |           |         |           |   |           |           |           |
|    | 0  | 25,000    | 0       | 0         | 0 | 25,000    | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| b. | Coal Bed Methane Water Study (Restricted/Biennial/OTO)       |           |         |           |   |           |           |           |
|    | 0  | 400,000   | 0       | 0         | 0 | 400,000   | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| c. | Historical Data Acquisition Project (Restricted/OTO)         |           |         |           |   |           |           |           |
|    | 0  | 100,000   | 0       | 0         | 0 | 100,000   | 0         | 100,000   |
|    | 0  | 0         | 0       | 100,000   |   |           |           |           |
| 3. | Conservation and Resource Development Division (23)          |           |         |           |   |           |           |           |
|    | 2,249,565  | 1,912,065 | 200,557 | 0         | 0 | 4,362,187 | 2,253,869 | 1,867,457 |
|    | 218,814  | 0         | 0       | 4,340,140 |   |           |           |           |
| a. | Grass Conservation Commission (Biennial)                     |           |         |           |   |           |           |           |
|    | 0  | 80,000    | 0       | 0         | 0 | 80,000    | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| b. | Sheridan County Conservation District (Restricted)           |           |         |           |   |           |           |           |
|    | 30,000   | 0         | 0       | 0         | 0 | 30,000    | 30,000    | 0         |
|    | 0  | 0         | 0       | 30,000    |   |           |           |           |
| 4. | Water Resources Division (24)                                |           |         |           |   |           |           |           |
|    | 0  | 1,452,491 | 108,475 | 0         | 0 | 1,560,966 | 0         | 1,460,741 |
|    | 108,855  | 0         | 0       | 1,569,596 |   |           |           |           |
| a. | Water Resources -- General Fund (Biennial)                   |           |         |           |   |           |           |           |
|    | 5,907,802  | 0         | 0       | 0         | 0 | 5,907,802 | 5,959,122 | 0         |
|    | 0  | 0         | 0       | 5,959,122 |   |           |           |           |
| b. | State Water Project Rehabilitation (Restricted/Biennial/OTO) |           |         |           |   |           |           |           |
|    | 0  | 2,220,000 | 60,794  | 0         | 0 | 2,280,794 | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| c. | Broadwater Hydropower Maintenance (Biennial)                 |           |         |           |   |           |           |           |
|    | 0  | 96,000    | 0       | 0         | 0 | 96,000    | 0         | 0         |
|    | 0  | 0         | 0       | 0         |   |           |           |           |
| d. | Water Rights Verification Project (Restricted/OTO)           |           |         |           |   |           |           |           |
|    | 0  | 160,000   | 0       | 0         | 0 | 160,000   | 0         | 168,000   |
|    | 0  | 0         | 0       | 168,000   |   |           |           |           |

|    |   |            |           |            |   |            |           |            |
|----|---|------------|-----------|------------|---|------------|-----------|------------|
| 5. | Reserved Water Rights Compact Commission (25)       |            |           |            |   |            |           |            |
|    | 713,840   | 0          | 0         | 0          | 0 | 713,840    | 719,344   | 0          |
|    | 0   | 0          | 0         | 719,344    |   |            |           |            |
| 6. | Forestry and Trust Lands (35)                       |            |           |            |   |            |           |            |
|    | 0   | 11,827,035 | 1,325,041 | 0          | 0 | 13,152,076 | 0         | 11,872,684 |
|    | 1,328,628   | 0          | 0         | 13,201,312 |   |            |           |            |
| a. | Forestry and Trust Lands -- General Fund (Biennial) |            |           |            |   |            |           |            |
|    | 6,432,111   | 0          | 0         | 0          | 0 | 6,432,111  | 6,450,128 | 0          |
|    | 0   | 0          | 0         | 6,450,128  |   |            |           |            |
| b. | Fire Seasonal Pay Exception (OTO)                   |            |           |            |   |            |           |            |
|    | 0   | 66,000     | 134,000   | 0          | 0 | 200,000    | 0         | 66,000     |
|    | 134,000   | 0          | 0         | 200,000    |   |            |           |            |

|       |            |            |           |            |   |            |            |            |
|-------|------------|------------|-----------|------------|---|------------|------------|------------|
| Total | 17,015,408 | 20,101,522 | 1,947,167 | 0          | 0 | 39,064,097 | 17,043,647 | 17,294,735 |
|       | 1,865,297  | 0          | 0         | 36,203,679 |   |            |            |            |

Item 1 includes a reduction in general fund money of \$171,873 in fiscal year 2004 and \$172,158 in fiscal year 2005. This reduction is the equivalent of 1% of all general fund appropriations each year. The department may reallocate this reduction in funding among divisions when developing 2005 biennium operating plans.

The department is authorized to decrease state special revenue money in the underground injection control program and to increase federal special revenue money by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue is to be spent before state special revenue.

The department is appropriated up to \$600,000 for the 2005 biennium from the state special revenue account established in 85-1-604, MCA, for the purchase of prior liens on property held as loan security as required by 85-1-618, MCA.

The department is authorized to decrease federal special revenue money in the water pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account when:

- (1) the amount of federal capitalization funds has been expended; or
- (2) federal funds and bond proceeds are designated for use for other program purposes.

If House Bill No. 176 is not passed and approved, item 3 is decreased by \$360,793 of state special revenue money in fiscal year 2004 and by \$329,230 of state special revenue money in fiscal year 2005.

The department shall present a written quarterly report to the office of budget and program planning and to the legislative fiscal division detailing its fire costs for the current fiscal year. In addition, it shall present this information to the legislative finance committee upon request.

During the 2005 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2005 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

During the 2005 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

#### DEPARTMENT OF AGRICULTURE (6201)

|    |  |           |           |           |   |           |         |           |
|----|--|-----------|-----------|-----------|---|-----------|---------|-----------|
| 1. | Central Management Division (15)                   |           |           |           |   |           |         |           |
|    | 149,491  | 568,847   | 63,000    | 56,391    | 0 | 837,729   | 182,855 | 567,615   |
|    | 63,000   | 56,396    | 0         | 869,866   |   |           |         |           |
| a. | Legislative Audit (Restricted/Biennial)            |           |           |           |   |           |         |           |
|    | 34,175   | 0         | 0         | 0         | 0 | 34,175    | 0       | 0         |
|    | 0  | 0         | 0         | 0         |   |           |         |           |
| 2. | Agricultural Sciences Division (30)                |           |           |           |   |           |         |           |
|    | 0  | 4,995,989 | 1,260,261 | 0         | 0 | 6,256,250 | 0       | 5,003,193 |
|    | 1,264,546  | 0         | 0         | 6,267,739 |   |           |         |           |
| a. | USDA Forest Service Weed Control Grants (Biennial) |           |           |           |   |           |         |           |
|    | 0  | 0         | 2,007,278 | 0         | 0 | 2,007,278 | 0       | 0         |
|    | 0  | 0         | 0         | 0         |   |           |         |           |
| b. | Weed Control Program (Restricted)                  |           |           |           |   |           |         |           |
|    | 101,341  | 0         | 0         | 0         | 0 | 101,341   | 101,341 | 0         |
|    | 0  | 0         | 0         | 101,341   |   |           |         |           |
| 3. | Agricultural Development Division (50)             |           |           |           |   |           |         |           |
|    | 337,420  | 3,106,474 | 220,000   | 263,818   | 0 | 3,927,712 | 337,423 | 3,110,281 |
|    | 220,000  | 265,125   | 0         | 3,932,829 |   |           |         |           |



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|       |           |           |           |            |   |            |         |           |
|-------|-----------|-----------|-----------|------------|---|------------|---------|-----------|
| Total | 622,427   | 8,671,310 | 3,550,539 | 320,209    | 0 | 13,164,485 | 621,619 | 8,681,089 |
|       | 1,547,546 | 321,521   | 0         | 11,171,775 |   |            |         |           |

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Item 1 includes a reduction in general fund money of \$6,287 in fiscal year 2004 and \$6,279 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

The funds in item 2b are to be granted to governmental entities through an application process to mitigate the impact of noxious weeds on private and state lands, except department of fish, wildlife, and parks lands, as a result of the activities of the department of fish, wildlife, and parks.

DEPARTMENT OF COMMERCE (6501)

|    |  |         |           |           |   |           |           |         |
|----|--|---------|-----------|-----------|---|-----------|-----------|---------|
| 1. | Board of Research and Commercialization (50)         |         |           |           |   |           |           |         |
|    | 88,446   | 0       | 0         | 0         | 0 | 88,446    | 88,343    | 0       |
|    | 0  | 0       | 0         | 88,343    |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)              |         |           |           |   |           |           |         |
|    | 358  | 0       | 0         | 0         | 0 | 358       | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| 2. | Business Resources Division (51)                     |         |           |           |   |           |           |         |
|    | 1,353,937  | 183,810 | 3,196,000 | 0         | 0 | 4,733,747 | 1,354,763 | 185,000 |
|    | 3,200,000  | 0       | 0         | 4,739,763 |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)              |         |           |           |   |           |           |         |
|    | 4,000  | 1,190   | 4,000     | 0         | 0 | 9,190     | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| 3. | Montana Promotion Division (52)                      |         |           |           |   |           |           |         |
|    | 0  | 750,000 | 0         | 0         | 0 | 750,000   | 0         | 750,000 |
|    | 0  | 0       | 0         | 750,000   |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)              |         |           |           |   |           |           |         |
|    | 0  | 18,341  | 0         | 0         | 0 | 18,341    | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| 4. | Community Development Division (60)                  |         |           |           |   |           |           |         |
|    | 198,766  | 572,061 | 4,730,723 | 0         | 0 | 5,501,550 | 201,265   | 574,465 |
|    | 4,728,996  | 0       | 0         | 5,504,726 |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)              |         |           |           |   |           |           |         |
|    | 2,269  | 3,273   | 2,269     | 0         | 0 | 7,811     | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| b. | Hard-Rock Mining Impact Account Reserve (Restricted) |         |           |           |   |           |           |         |
|    | 0  | 100,000 | 0         | 0         | 0 | 100,000   | 0         | 100,000 |
|    | 0  | 0       | 0         | 100,000   |   |           |           |         |
| c. | Coal Board Local Impact Grants (Biennial)            |         |           |           |   |           |           |         |
|    | 0  | 593,333 | 0         | 0         | 0 | 593,333   | 0         | 593,332 |
|    | 0  | 0       | 0         | 593,332   |   |           |           |         |
| 5. | Housing Division (74)                                |         |           |           |   |           |           |         |
|    | 0  | 20,000  | 9,260,822 | 0         | 0 | 9,280,822 | 0         | 20,000  |
|    | 5,573,736  | 0       | 0         | 5,593,736 |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)              |         |           |           |   |           |           |         |
|    | 0  | 0       | 3,212     | 0         | 0 | 3,212     | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| b. | HOME Project Administration Software (OTO)           |         |           |           |   |           |           |         |
|    | 0  | 0       | 40,000    | 0         | 0 | 40,000    | 0         | 0       |
|    | 0  | 0       | 0         | 0         |   |           |           |         |
| 6. | Director's Office/Management Services Division (81)  |         |           |           |   |           |           |         |
|    | 0  | 0       | 2,046     | 0         | 0 | 2,046     | 0         | 0       |
|    | 2,046  | 0       | 0         | 2,046     |   |           |           |         |

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|       |            |           |            |            |   |            |           |           |
|-------|------------|-----------|------------|------------|---|------------|-----------|-----------|
| Total | 1,647,776  | 2,242,008 | 17,239,072 | 0          | 0 | 21,128,856 | 1,644,371 | 2,222,797 |
|       | 13,504,778 | 0         | 0          | 17,371,946 |   |            |           |           |

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Item 2 includes a reduction in general fund money of \$16,644 in fiscal year 2004 and \$16,610 in fiscal year 2005. This

reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

If House Bill No. 177 is not passed and approved, the biennial appropriation in item 4c is increased by \$490,000 of state special revenue funding.

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TOTAL SECTION C

|            |             |            |             |   |             |            |            |
|------------|-------------|------------|-------------|---|-------------|------------|------------|
| 22,937,313 | 130,008,122 | 67,559,198 | 320,209     | 0 | 220,824,842 | 22,965,700 | 88,633,624 |
| 55,147,537 | 321,521     | 0          | 167,068,382 |   |             |            |            |

D. CORRECTIONS AND PUBLIC SAFETY

CRIME CONTROL DIVISION (4107)

1. Justice System Support Service (01)

|            |   |            |            |   |            |           |   |
|------------|---|------------|------------|---|------------|-----------|---|
| 1,628,608  | 0 | 10,422,968 | 0          | 0 | 12,051,576 | 1,630,658 | 0 |
| 10,418,938 | 0 | 0          | 12,049,596 |   |            |           |   |

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Total

|            |   |            |            |   |            |           |   |
|------------|---|------------|------------|---|------------|-----------|---|
| 1,628,608  | 0 | 10,422,968 | 0          | 0 | 12,051,576 | 1,630,658 | 0 |
| 10,418,938 | 0 | 0          | 12,049,596 |   |            |           |   |

Item 1 includes a reduction in general fund money of \$16,451 in fiscal year 2004 and \$16,471 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

DEPARTMENT OF JUSTICE (4110)

1. Legal Services Division (01)

|   |         |         |           |   |           |           |         |
|---|---------|---------|-----------|---|-----------|-----------|---------|
| 3,263,685                                 | 306,668 | 439,287 | 0         | 0 | 4,009,640 | 3,274,433 | 307,823 |
| 439,474                                   | 0       | 0       | 4,021,730 |   |           |           |         |
| a. Major Litigation (Restricted/Biennial) |         |         |           |   |           |           |         |
| 399,999                                   | 0       | 0       | 0         | 0 | 399,999   | 0         | 0       |
| 0   | 0       | 0       | 0         |   |           |           |         |

2. Gambling Control Division (07)

|         |           |   |           |   |           |         |           |
|---------|-----------|---|-----------|---|-----------|---------|-----------|
| 230,850 | 1,916,412 | 0 | 782,759   | 0 | 2,930,021 | 230,850 | 1,907,686 |
| 0       | 779,196   | 0 | 2,917,732 |   |           |         |           |

3. Motor Vehicle Division (12)

|   |           |   |           |   |           |           |           |
|---|-----------|---|-----------|---|-----------|-----------|-----------|
| 5,228,621   | 3,669,691 | 0 | 0         | 0 | 8,898,312 | 5,386,525 | 3,479,091 |
| 0   | 0         | 0 | 8,865,616 |   |           |           |           |
| a. HB 577 -- Debt Payment (Biennial)                |           |   |           |   |           |           |           |
| 0   | 1,296,000 | 0 | 0         | 0 | 1,296,000 | 0         | 0         |
| 0   | 0         | 0 | 0         |   |           |           |           |
| b. Motor Vehicle Registration Automation (Biennial) |           |   |           |   |           |           |           |
| 0   | 4,400,000 | 0 | 0         | 0 | 4,400,000 | 0         | 0         |
| 0   | 0         | 0 | 0         |   |           |           |           |

4. Highway Patrol Division (13)

|         |            |         |            |   |            |   |            |
|---------|------------|---------|------------|---|------------|---|------------|
| 0       | 18,242,702 | 819,383 | 0          | 0 | 19,062,085 | 0 | 18,380,577 |
| 822,589 | 0          | 0       | 19,203,166 |   |            |   |            |

a. Prisoner Per Diem (Biennial)

|           |   |   |           |   |           |           |   |
|-----------|---|---|-----------|---|-----------|-----------|---|
| 1,166,994 | 0 | 0 | 0         | 0 | 1,166,994 | 1,203,293 | 0 |
| 0         | 0 | 0 | 1,203,293 |   |           |           |   |

5. Division of Criminal Investigation (18)

|           |           |           |           |   |           |           |           |
|-----------|-----------|-----------|-----------|---|-----------|-----------|-----------|
| 2,407,754 | 1,538,251 | 1,635,885 | 0         | 0 | 5,581,890 | 2,491,377 | 1,542,236 |
| 1,640,429 | 0         | 0         | 5,674,042 |   |           |           |           |

6. County Attorney Payroll (19)

|           |   |   |           |   |           |           |   |
|-----------|---|---|-----------|---|-----------|-----------|---|
| 1,623,340 | 0 | 0 | 0         | 0 | 1,623,340 | 1,623,340 | 0 |
| 0         | 0 | 0 | 1,623,340 |   |           |           |   |

7. Central Services Division (28)

|         |         |   |         |   |         |         |         |
|---------|---------|---|---------|---|---------|---------|---------|
| 317,970 | 443,042 | 0 | 15,129  | 0 | 776,141 | 319,503 | 444,440 |
| 0       | 15,179  | 0 | 779,122 |   |         |         |         |

a. Legislative Audit (Restricted/Biennial)

|       |   |            |           |            |   |            |            |            |
|-------|---|------------|-----------|------------|---|------------|------------|------------|
|       | 24,869  | 31,809     | 0         | 1,157      | 0 | 57,835     | 0          | 0          |
|       | 0   | 0          | 0         | 0          |   |            |            |            |
| 8.    | Information Technology Services Division (29) |            |           |            |   |            |            |            |
|       | 2,891,996                                     | 1,059,482  | 163,309   | 10,199     | 0 | 4,124,986  | 2,898,367  | 1,059,264  |
|       | 162,947                                       | 10,199     | 0         | 4,130,777  |   |            |            |            |
| 9.    | Forensic Sciences Division (32)               |            |           |            |   |            |            |            |
|       | 2,215,592                                     | 303,204    | 135,826   | 0          | 0 | 2,654,622  | 2,232,804  | 303,204    |
|       | 134,370                                       | 0          | 0         | 2,670,378  |   |            |            |            |
| <hr/> |   |            |           |            |   |            |            |            |
| Total | 19,771,670                                    | 33,207,261 | 3,193,690 | 809,244    | 0 | 56,981,865 | 19,660,492 | 27,424,321 |
|       | 3,199,809                                     | 804,574    | 0         | 51,089,196 |   |            |            |            |

If Senate Bill No. 118 is not passed and approved, item 3 is increased by \$251,415 of general fund money in fiscal year 2004.

If House Bill No. 559 is not passed and approved, item 3 is increased by \$152,457 of general fund money in fiscal year 2004 and \$172,730 of general fund money in fiscal year 2005.

Fiscal years 2004 and 2005 state special revenue in item 3 includes \$3,237,493 in fiscal year 2004 and \$3,046,893 in fiscal year 2005 of the fund balance from revenue sources not restricted to certain purposes by the Montana constitution.

Item 3 includes a reduction in general fund money of \$204,255 in fiscal year 2004 and \$199,732 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

Item 3b is contingent upon passage and approval of House Bill No. 261.

If House Bill No. 124 is not passed and approved, item 5 is increased by \$1,103,400 of general fund money in fiscal year 2004 and \$1,106,952 of general fund money in fiscal year 2005 and state special revenue is decreased by the same amounts in each fiscal year.

The appropriation for legislative contract authority is subject to all of the following provisions:

(1) Legislative contract authority expenditures must be reported on state accounting records and kept separate from present law operations. In preparing the 2007 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law base.

(2) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

If Senate Bill No. 128 is not passed and approved, item 8 is increased by \$120,794 of general fund money in fiscal year 2004 and \$120,839 of general fund money in fiscal year 2005 and state special revenue is decreased by \$290,589 in fiscal year 2004 and \$290,371 in fiscal year 2005.

#### PUBLIC SERVICE REGULATION (4201)

|    |   |           |        |           |   |           |   |           |
|----|---|-----------|--------|-----------|---|-----------|---|-----------|
| 1. | Public Service Regulation Program (01)  |           |        |           |   |           |   |           |
|    | 0                                       | 2,589,276 | 13,695 | 0         | 0 | 2,602,971 | 0 | 2,592,539 |
|    | 13,634                                  | 0         | 0      | 2,606,173 |   |           |   |           |
| a. | Legislative Audit (Restricted/Biennial) |           |        |           |   |           |   |           |
|    | 0                                       | 18,315    | 87     | 0         | 0 | 18,402    | 0 | 0         |
|    | 0                                       | 0         | 0      | 0         |   |           |   |           |
| b. | Consultants (Restricted/Biennial)       |           |        |           |   |           |   |           |
|    | 0                                       | 54,701    | 0      | 0         | 0 | 54,701    | 0 | 1,155     |
|    | 0                                       | 0         | 0      | 1,155     |   |           |   |           |

|       |        |           |        |           |   |           |   |           |
|-------|--------|-----------|--------|-----------|---|-----------|---|-----------|
| <hr/> |        |           |        |           |   |           |   |           |
| Total | 0      | 2,662,292 | 13,782 | 0         | 0 | 2,676,074 | 0 | 2,593,694 |
|       | 13,634 | 0         | 0      | 2,607,328 |   |           |   |           |

#### DEPARTMENT OF CORRECTIONS (6401)

|    |  |         |   |            |   |            |            |         |
|----|--|---------|---|------------|---|------------|------------|---------|
| 1. | Administration and Support Services (01) |         |   |            |   |            |            |         |
|    | 9,683,138                                | 2,620   | 0 | 86,943     | 0 | 9,772,701  | 9,765,860  | 3,796   |
|    | 0  | 103,755 | 0 | 9,873,411  |   |            |            |         |
| a. | Legislative Audit (Restricted/Biennial)  |         |   |            |   |            |            |         |
|    | 112,111                                  | 3,982   | 0 | 7,462      | 0 | 123,555    | 0          | 0       |
|    | 0  | 0       | 0 | 0          |   |            |            |         |
| 2. | Community Corrections (02)               |         |   |            |   |            |            |         |
|    | 21,298,386                               | 303,828 | 0 | 0          | 0 | 21,602,214 | 21,360,619 | 303,828 |
|    | 0  | 0       | 0 | 21,664,447 |   |            |            |         |

|       |                                       |           |         |             |   |             |             |           |
|-------|---------------------------------------|-----------|---------|-------------|---|-------------|-------------|-----------|
| 3.    | Secure Facilities (03)                |           |         |             |   |             |             |           |
|       | 52,036,901                            | 1,124,938 | 80,288  | 0           | 0 | 53,242,127  | 51,987,583  | 1,124,938 |
|       | 80,288                                | 0         | 0       | 53,192,809  |   |             |             |           |
| 4.    | Montana Correctional Enterprises (04) |           |         |             |   |             |             |           |
|       | 968,410                               | 0         | 0       | 376,305     | 0 | 1,344,715   | 969,815     | 0         |
|       | 0                                     | 377,450   | 0       | 1,347,265   |   |             |             |           |
| 5.    | Juvenile Corrections (05)             |           |         |             |   |             |             |           |
|       | 17,514,200                            | 437,013   | 316,765 | 0           | 0 | 18,267,978  | 17,529,269  | 437,013   |
|       | 316,765                               | 0         | 0       | 18,283,047  |   |             |             |           |
| <hr/> |                                       |           |         |             |   |             |             |           |
| Total | 101,613,146                           | 1,872,381 | 397,053 | 470,710     | 0 | 104,353,290 | 101,613,146 | 1,869,575 |
|       | 397,053                               | 481,205   | 0       | 104,360,979 |   |             |             |           |

Item 3 includes a reduction in general fund money of \$991,042 in fiscal year 2004 and \$991,042 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

Item 3 is increased by \$3,500,000 of general fund money in each year of the 2005 biennium if House Bill No. 363 is passed and approved. The department may reallocate this increase in funding among divisions when developing the 2005 biennium operating plans.

Item 4 contains a reduction of \$2,995,008 in fiscal year 2004 and \$580,228 in fiscal year 2005 of general fund money. These reductions are contingent upon passage and approval of Senate Bill No. 118.

#### DEPARTMENT OF LABOR AND INDUSTRY (6602)

|    |  |            |            |            |   |            |         |            |
|----|--|------------|------------|------------|---|------------|---------|------------|
| 1. | Workforce Services Division (01)                         |            |            |            |   |            |         |            |
|    | 366,291  | 7,186,294  | 24,327,229 | 0          | 0 | 31,879,814 | 367,711 | 7,217,476  |
|    | 24,329,500   | 0          | 0          | 31,914,687 |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 925  | 25,573     | 32,380     | 0          | 0 | 58,878     | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |
| 2. | Unemployment Insurance Division (02)                     |            |            |            |   |            |         |            |
|    | 0  | 304,955    | 6,313,899  | 0          | 0 | 6,618,854  | 0       | 304,955    |
|    | 6,340,652  | 0          | 0          | 6,645,607  |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 0  | 0          | 17,003     | 0          | 0 | 17,003     | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |
| 3. | Commissioner's Office/Centralized Services Division (03) |            |            |            |   |            |         |            |
|    | 117,010  | 798,121    | 426,529    | 67,829     | 0 | 1,409,489  | 117,902 | 798,554    |
|    | 427,225  | 67,851     | 0          | 1,411,532  |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 514  | 1,541      | 1,060      | 127        | 0 | 3,242      | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |
| 4. | Employment Relations Division (04)                       |            |            |            |   |            |         |            |
|    | 647,507  | 6,478,442  | 718,088    | 0          | 0 | 7,844,037  | 648,473 | 6,488,472  |
|    | 721,000  | 0          | 0          | 7,857,945  |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 1,839  | 13,106     | 2,912      | 0          | 0 | 17,857     | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |
| 5. | Business Standards Division (05)                         |            |            |            |   |            |         |            |
|    | 0  | 10,556,147 | 0          | 0          | 0 | 10,556,147 | 0       | 10,592,039 |
|    | 0  | 0          | 0          | 10,592,039 |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 0  | 10,869     | 0          | 0          | 0 | 10,869     | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |
| 6. | Montana Community Services (07)                          |            |            |            |   |            |         |            |
|    | 23,950   | 743        | 3,082,767  | 0          | 0 | 3,107,460  | 23,950  | 743        |
|    | 3,082,966  | 0          | 0          | 3,107,659  |   |            |         |            |
| a. | Legislative Audit (Restricted/Biennial)                  |            |            |            |   |            |         |            |
|    | 0  | 0          | 621        | 0          | 0 | 621        | 0       | 0          |
|    | 0  | 0          | 0          | 0          |   |            |         |            |

|    |   |         |   |         |   |         |   |         |   |
|----|---|---------|---|---------|---|---------|---|---------|---|
| 7. | Workers' Compensation Court (09)        |         |   |         |   |         |   |         |   |
|    | 0                                       | 445,813 | 0 | 0       | 0 | 445,813 | 0 | 445,781 |   |
|    | 0                                       | 0       | 0 | 445,781 |   |         |   |         |   |
| a. | Legislative Audit (Restricted/Biennial) |         |   |         |   |         |   |         |   |
|    | 0                                       | 932     | 0 | 0       | 0 | 932     | 0 | 0       | 0 |
|    | 0                                       | 0       |   |         |   |         |   |         |   |

Total

|            |            |            |            |   |            |           |            |
|------------|------------|------------|------------|---|------------|-----------|------------|
| 1,158,036  | 25,822,536 | 34,922,488 | 67,956     | 0 | 61,971,016 | 1,158,036 | 25,848,020 |
| 34,901,343 | 67,851     | 0          | 61,975,250 |   |            |           |            |

Item 4 includes a reduction in general fund money of \$11,697 in fiscal year 2004 and \$11,697 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

DEPARTMENT OF MILITARY AFFAIRS (6701)

|       |  |         |            |            |   |            |           |         |
|-------|--|---------|------------|------------|---|------------|-----------|---------|
| 1.    | Centralized Services (01)                                    |         |            |            |   |            |           |         |
|       | 374,252  | 0       | 97,533     | 0          | 0 | 471,785    | 374,696   | 0       |
|       | 97,334   | 0       | 0          | 472,030    |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 444  | 0       | 0          | 0          | 0 | 444        | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 2.    | Challenge Program (02)                                       |         |            |            |   |            |           |         |
|       | 1,119,876  | 0       | 1,679,814  | 0          | 0 | 2,799,690  | 1,119,831 | 0       |
|       | 1,679,747  | 0       | 0          | 2,799,578  |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 11,173   | 0       | 0          | 0          | 0 | 11,173     | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 3.    | Scholarship Program (03)                                     |         |            |            |   |            |           |         |
| a.    | National Guard Scholarship Program (Restricted/Biennial/OTO) |         |            |            |   |            |           |         |
|       | 337,090  | 0       | 0          | 0          | 0 | 337,090    | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 4.    | Army National Guard Program (12)                             |         |            |            |   |            |           |         |
|       | 1,140,979  | 296,000 | 4,654,010  | 0          | 0 | 6,090,989  | 1,144,171 | 386,000 |
|       | 4,651,932  | 0       | 0          | 6,182,103  |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 25,027   | 0       | 0          | 0          | 0 | 25,027     | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 5.    | Air National Guard Program (13)                              |         |            |            |   |            |           |         |
|       | 302,972  | 0       | 2,260,254  | 0          | 0 | 2,563,226  | 308,408   | 0       |
|       | 2,261,904  | 0       | 0          | 2,570,312  |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 5,810  | 0       | 0          | 0          | 0 | 5,810      | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 6.    | Disaster and Emergency Services (21)                         |         |            |            |   |            |           |         |
|       | 454,301  | 13,700  | 4,312,072  | 0          | 0 | 4,780,073  | 454,972   | 13,700  |
|       | 4,312,223  | 0       | 0          | 4,780,895  |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 671  | 0       | 670        | 0          | 0 | 1,341      | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| 7.    | Veterans' Affairs Program (31)                               |         |            |            |   |            |           |         |
|       | 666,023  | 187,325 | 0          | 0          | 0 | 853,348    | 666,918   | 187,489 |
|       | 0  | 0       | 0          | 854,407    |   |            |           |         |
| a.    | Legislative Audit (Restricted/Biennial)                      |         |            |            |   |            |           |         |
|       | 895  | 0       | 0          | 0          | 0 | 895        | 0         | 0       |
|       | 0  | 0       | 0          | 0          |   |            |           |         |
| Total |  |         |            |            |   |            |           |         |
|       | 4,439,513  | 497,025 | 13,004,353 | 0          | 0 | 17,940,891 | 4,068,996 | 587,189 |
|       | 13,003,140   | 0       | 0          | 17,659,325 |   |            |           |         |

Item 4 includes a reduction in general fund money of \$41,439 in fiscal year 2004 and \$41,101 in fiscal year 2005. This

reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

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TOTAL SECTION D

|             |            |            |             |   |             |             |            |
|-------------|------------|------------|-------------|---|-------------|-------------|------------|
| 128,610,973 | 64,061,495 | 61,954,334 | 1,347,910   | 0 | 255,974,712 | 128,131,328 | 58,322,799 |
| 61,933,917  | 1,353,630  | 0          | 249,741,674 |   |             |             |            |

E. EDUCATION

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

|    |                                     |   |             |             |   |             |             |
|----|-------------------------------------|---|-------------|-------------|---|-------------|-------------|
| 1. | OPI Administration (06)             |   |             |             |   |             |             |
|    | 4,492,769                           | 193,565   | 6,283,472   | 0           | 0 | 10,969,806  | 4,502,763   |
|    | 6,288,297                           | 0   | 0           | 10,985,433  |   |             | 194,373     |
|    | a.                                  | Federal Funds (Biennial)                            |             |             |   |             |             |
|    | 0                                   | 0   | 5,956,074   | 0           | 0 | 5,956,074   | 0           |
|    | 6,040,466                           | 0   | 0           | 6,040,466   |   |             | 0           |
| 2. | Distribution to Public Schools (09) |   |             |             |   |             |             |
|    | 0                                   | 0   | 114,772,612 | 0           | 0 | 114,772,612 | 0           |
|    | 125,619,361                         | 0   | 0           | 125,619,361 |   |             | 0           |
|    | a.                                  | BASE Aid (Restricted/Biennial)                      |             |             |   |             |             |
|    | 389,833,550                         | 0   | 0           | 0           | 0 | 389,833,550 | 382,104,968 |
|    | 0                                   | 0   | 0           | 382,104,968 |   |             | 0           |
|    | b.                                  | Special Education (Restricted/Biennial)             |             |             |   |             |             |
|    | 34,912,640                          | 0   | 0           | 0           | 0 | 34,912,640  | 34,912,640  |
|    | 0                                   | 0   | 0           | 34,912,640  |   |             | 0           |
|    | c.                                  | Transportation Aid (Restricted/Biennial)            |             |             |   |             |             |
|    | 10,400,000                          | 0   | 0           | 0           | 0 | 10,400,000  | 10,400,000  |
|    | 0                                   | 0   | 0           | 10,400,000  |   |             | 0           |
|    | d.                                  | School Facility Reimbursement (Restricted/Biennial) |             |             |   |             |             |
|    | 4,250,000                           | 0   | 0           | 0           | 0 | 4,250,000   | 4,360,000   |
|    | 0                                   | 0   | 0           | 4,360,000   |   |             | 0           |
|    | e.                                  | Instate Treatment (Biennial)                        |             |             |   |             |             |
|    | 974,896                             | 0   | 0           | 0           | 0 | 974,896     | 974,896     |
|    | 0                                   | 0   | 0           | 974,896     |   |             | 0           |
|    | f.                                  | Secondary Vocational Education (Biennial)           |             |             |   |             |             |
|    | 715,000                             | 0   | 0           | 0           | 0 | 715,000     | 715,000     |
|    | 0                                   | 0   | 0           | 715,000     |   |             | 0           |
|    | g.                                  | Adult Basic Education (Biennial)                    |             |             |   |             |             |
|    | 275,000                             | 0   | 0           | 0           | 0 | 275,000     | 275,000     |
|    | 0                                   | 0   | 0           | 275,000     |   |             | 0           |
|    | h.                                  | Gifted and Talented (Biennial)                      |             |             |   |             |             |
|    | 150,000                             | 0   | 0           | 0           | 0 | 150,000     | 150,000     |
|    | 0                                   | 0   | 0           | 150,000     |   |             | 0           |
|    | i.                                  | School Food (Biennial)                              |             |             |   |             |             |
|    | 648,653                             | 0   | 0           | 0           | 0 | 648,653     | 648,653     |
|    | 0                                   | 0   | 0           | 648,653     |   |             | 0           |
|    | j.                                  | School District Audits (Biennial)                   |             |             |   |             |             |
|    | 143,475                             | 0   | 0           | 0           | 0 | 143,475     | 147,775     |
|    | 0                                   | 0   | 0           | 147,775     |   |             | 0           |
|    | k.                                  | Traffic Safety Distribution                         |             |             |   |             |             |
|    | 0                                   | 750,000   | 0           | 0           | 0 | 750,000     | 0           |
|    | 0                                   | 0   | 0           | 750,000     |   |             | 750,000     |
|    | l.                                  | Community Service Grant Program (Biennial)          |             |             |   |             |             |
|    | 0                                   | 0   | 250,000     | 0           | 0 | 250,000     | 0           |
|    | 250,000                             | 0   | 0           | 250,000     |   |             | 0           |
|    | m.                                  | Reading First (Biennial)                            |             |             |   |             |             |
|    | 0                                   | 0   | 2,890,000   | 0           | 0 | 2,890,000   | 0           |

|             |  |             |             |   |             |             |         |
|-------------|--|-------------|-------------|---|-------------|-------------|---------|
| 2,975,000   | 0  | 0           | 2,975,000   |   |             |             |         |
| n.          | REI/Rural Low-Income Schools (Biennial)                        |             |             |   |             |             |         |
| 0           | 0  | 458,056     | 0           | 0 | 458,056     | 0           | 0       |
| 458,056     | 0  | 0           | 458,056     |   |             |             |         |
| o.          | Title IV -- 21st Century Community Learning Centers (Biennial) |             |             |   |             |             |         |
| 0           | 0  | 2,800,000   | 0           | 0 | 2,800,000   | 0           | 0       |
| 2,800,000   | 0  | 0           | 2,800,000   |   |             |             |         |
| p.          | Character Education  |             |             |   |             |             |         |
| 0           | 0  | 175,000     | 0           | 0 | 175,000     | 0           | 0       |
| 175,000     | 0  | 0           | 175,000     |   |             |             |         |
| q.          | HB 124 County and District Block Grants (Restricted/Biennial)  |             |             |   |             |             |         |
| 65,704,139  | 0  | 0           | 0           | 0 | 65,704,139  | 66,203,493  | 0       |
| 0           | 0  | 0           | 66,203,493  |   |             |             |         |
| <hr/>       |  |             |             |   |             |             |         |
| Total       |  |             |             |   |             |             |         |
| 512,500,122 | 943,565  | 133,585,214 | 0           | 0 | 647,028,901 | 505,395,188 | 944,373 |
| 144,606,180 | 0  | 0           | 650,945,741 |   |             |             |         |

All federal funds are biennial appropriations.

All revenue received in the state traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5. This appropriation may not exceed \$1 million a year.

Item 2a includes a reduction in general fund money of \$5,176,769 in fiscal year 2004 and \$5,105,002 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

The office of public instruction may distribute funds from the appropriation in item 2e to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs.

If Senate Bill No. 323 is passed and approved in a form that permanently eliminates county retirement benefits for all federally salaried employees employed by school districts, excluding federally salaried employees whose salaries are paid from district school food funds, then the 1% across-the-board reduction for the office of public instruction is reduced each year of the biennium by \$3.5 million in general fund money.

**BOARD OF PUBLIC EDUCATION (5101)**

|       |   |         |   |         |   |         |         |
|-------|---|---------|---|---------|---|---------|---------|
| 1.    | Administration (01)                     |         |   |         |   |         |         |
|       | 159,722                                 | 14,988  | 0 | 0       | 0 | 174,710 | 159,941 |
|       | 0                                       | 0       | 0 | 174,778 |   |         | 14,837  |
| a.    | Legislative Audit (Restricted/Biennial) |         |   |         |   |         |         |
|       | 2,271                                   | 0       | 0 | 0       | 0 | 2,271   | 0       |
|       | 0                                       | 0       | 0 | 0       |   |         | 0       |
| 2.    | Advisory Council (03)                   |         |   |         |   |         |         |
|       | 0                                       | 168,343 | 0 | 0       | 0 | 168,343 | 0       |
|       | 0                                       | 0       | 0 | 172,015 |   |         | 172,015 |
| a.    | Legislative Audit (Restricted/Biennial) |         |   |         |   |         |         |
|       | 0                                       | 1,672   | 0 | 0       | 0 | 1,672   | 0       |
|       | 0                                       | 0       | 0 | 0       |   |         | 0       |
| <hr/> |   |         |   |         |   |         |         |
| Total |   |         |   |         |   |         |         |
|       | 161,993                                 | 185,003 | 0 | 0       | 0 | 346,996 | 159,941 |
|       | 0                                       | 0       | 0 | 346,793 |   |         | 186,852 |

Item 1 includes a reduction in general fund money of \$1,636 in fiscal year 2004 and \$1,616 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

**SCHOOL FOR THE DEAF AND BLIND (5113)**

|    |   |     |   |         |   |         |         |
|----|---|-----|---|---------|---|---------|---------|
| 1. | Administration Program (01)             |     |   |         |   |         |         |
|    | 308,760                                 | 581 | 0 | 0       | 0 | 309,341 | 308,823 |
|    | 0                                       | 0   | 0 | 309,810 |   |         | 987     |
| a. | Legislative Audit (Restricted/Biennial) |     |   |         |   |         |         |
|    | 24,974                                  | 0   | 0 | 0       | 0 | 24,974  | 0       |
|    | 0                                       | 0   | 0 | 0       |   |         | 0       |
| 2. | General Services Program (02)           |     |   |         |   |         |         |
|    | 348,876                                 | 0   | 0 | 0       | 0 | 348,876 | 348,542 |
|    |   |     |   |         |   |         | 0       |

|    |                       |         |        |           |   |           |           |         |
|----|-----------------------|---------|--------|-----------|---|-----------|-----------|---------|
|    | 0                     | 0       | 0      | 348,542   |   |           |           |         |
| 3. | Student Services (03) |         |        |           |   |           |           |         |
|    | 1,004,239             | 0       | 27,752 | 0         | 0 | 1,031,991 | 1,012,210 | 0       |
|    | 27,752                | 0       | 0      | 1,039,962 |   |           |           |         |
| 4. | Education (04)        |         |        |           |   |           |           |         |
|    | 1,810,952             | 341,095 | 68,944 | 0         | 0 | 2,220,991 | 1,812,271 | 341,095 |
|    | 68,944                | 0       | 0      | 2,222,310 |   |           |           |         |

|       |           |         |        |           |   |           |           |         |
|-------|-----------|---------|--------|-----------|---|-----------|-----------|---------|
| Total | 3,497,801 | 341,676 | 96,696 | 0         | 0 | 3,936,173 | 3,481,846 | 342,082 |
|       | 96,696    | 0       | 0      | 3,920,624 |   |           |           |         |

Item 4 includes a reduction in general fund money of \$35,331 in fiscal year 2004 and \$35,170 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

#### MONTANA ARTS COUNCIL (5114)

|    |   |         |         |           |   |           |         |         |
|----|---|---------|---------|-----------|---|-----------|---------|---------|
| 1. | Promotion of the Arts (01)              |         |         |           |   |           |         |         |
|    | 259,396                                 | 158,100 | 599,116 | 0         | 0 | 1,016,612 | 277,798 | 153,223 |
|    | 599,086                                 | 0       | 0       | 1,030,107 |   |           |         |         |
| a. | Legislative Audit (Restricted/Biennial) |         |         |           |   |           |         |         |
|    | 18,402                                  | 0       | 0       | 0         | 0 | 18,402    | 0       | 0       |
|    | 0                                       | 0       | 0       | 0         |   |           |         |         |

|       |         |         |         |           |   |           |         |         |
|-------|---------|---------|---------|-----------|---|-----------|---------|---------|
| Total | 277,798 | 158,100 | 599,116 | 0         | 0 | 1,035,014 | 277,798 | 153,223 |
|       | 599,086 | 0       | 0       | 1,030,107 |   |           |         |         |

Item 1 includes a reduction in general fund money of \$2,806 in fiscal year 2004 and \$2,806 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

All federal funds in item 1 are biennial appropriations.

#### MONTANA STATE LIBRARY COMMISSION (5115)

|    |   |         |           |           |   |           |           |         |
|----|---|---------|-----------|-----------|---|-----------|-----------|---------|
| 1. | Statewide Library Resources (01)          |         |           |           |   |           |           |         |
|    | 1,566,082                                 | 869,815 | 1,230,694 | 0         | 0 | 3,666,591 | 1,581,855 | 865,700 |
|    | 780,694                                   | 0       | 0         | 3,228,249 |   |           |           |         |
| a. | Legislative Audit (Restricted/Biennial)   |         |           |           |   |           |           |         |
|    | 15,773                                    | 0       | 0         | 0         | 0 | 15,773    | 0         | 0       |
|    | 0   | 0       | 0         | 0         |   |           |           |         |
| b. | Legislative Contract Authority (Biennial) |         |           |           |   |           |           |         |
|    | 0   | 25,000  | 475,000   | 0         | 0 | 500,000   | 0         | 0       |
|    | 0   | 0       | 0         | 0         |   |           |           |         |

|  |           |         |           |           |   |           |           |         |
|--|-----------|---------|-----------|-----------|---|-----------|-----------|---------|
|  |           |         |           |           |   |           | Total     |         |
|  | 1,581,855 | 894,815 | 1,705,694 | 0         | 0 | 4,182,364 | 1,581,855 | 865,700 |
|  | 780,694   | 0       | 0         | 3,228,249 |   |           |           |         |

Item 1 includes a reduction in general fund money of \$15,978 in fiscal year 2004 and \$15,978 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

Item 1 includes biennial appropriations of \$251,138 in general fund money and \$850,000 in federal funds for grants to local libraries.

If HB 177 is not passed and approved, item 1 is increased by \$151,351 of state special revenue in fiscal year 2004 and \$155,124 of state special revenue authority in fiscal year 2005.

Item 1b includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions:

(1) Legislative contract authority applies only to state special revenue funds received from the Montana university system, federal funds, and private funds.

(2) Legislative contract authority expenditures must be reported on the state accounting system. The records must be separate from present law operations. In preparing the 2007 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

(4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract



received by the Montana state library.

**MONTANA HISTORICAL SOCIETY (5117)**

|    |  |         |         |           |   |           |         |         |
|----|--|---------|---------|-----------|---|-----------|---------|---------|
| 1. | Administration Program (01)                |         |         |           |   |           |         |         |
|    | 834,409                                    | 184,531 | 94,000  | 101,682   | 0 | 1,214,622 | 848,129 | 184,938 |
|    | 94,000                                     | 101,726 | 0       | 1,228,793 |   |           |         |         |
|    | a. Legislative Audit (Restricted/Biennial) |         |         |           |   |           |         |         |
|    | 28,917                                     | 0       | 0       | 0         | 0 | 28,917    | 0       | 0       |
|    | 0  | 0       | 0       | 0         |   |           |         |         |
| 2. | Library Program (02)                       |         |         |           |   |           |         |         |
|    | 597,072                                    | 2,819   | 0       | 56,199    | 0 | 656,090   | 597,010 | 2,824   |
|    | 0  | 56,242  | 0       | 656,076   |   |           |         |         |
| 3. | Museum Program (03)                        |         |         |           |   |           |         |         |
|    | 181,401                                    | 352,983 | 0       | 6,700     | 0 | 541,084   | 181,694 | 356,554 |
|    | 0  | 6,712   | 0       | 544,960   |   |           |         |         |
| 4. | Publications (04)                          |         |         |           |   |           |         |         |
|    | 46,752                                     | 0       | 0       | 731,504   | 0 | 778,256   | 46,752  | 0       |
|    | 0  | 734,501 | 0       | 781,253   |   |           |         |         |
| 5. | Historic Preservation Program (06)         |         |         |           |   |           |         |         |
|    | 45,303                                     | 0       | 646,557 | 0         | 0 | 691,860   | 46,339  | 0       |
|    | 647,402                                    | 0       | 0       | 693,741   |   |           |         |         |

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|       |           |         |         |           |   |           |           |         |
|-------|-----------|---------|---------|-----------|---|-----------|-----------|---------|
| Total | 1,733,854 | 540,333 | 740,557 | 896,085   | 0 | 3,910,829 | 1,719,924 | 544,316 |
|       | 741,402   | 899,181 | 0       | 3,904,823 |   |           |           |         |

Item 1 includes a reduction in general fund money of \$17,514 in fiscal year 2004 and \$17,373 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$617,008 in fiscal year 2004 and \$621,017 in fiscal year 2005 for the Montana historical society. This is to be expended as follows:

|  |           |           |
|--|-----------|-----------|
| Historical Interpretation                  | \$196,857 | \$193,627 |
| Scriver Collection                         | 120,151   | 127,390   |
| Lewis and Clark Exhibit and Interpretation | 100,000   | 100,000   |
| Lewis and Clark Bicentennial Commission    | 200,000   | 200,000   |

The first three uses of lodging taxes are budgeted in items 1 and 3. The \$200,000 each fiscal year of the biennium for the Lewis and Clark bicentennial commission is a language appropriation.

**MONTANA UNIVERSITY SYSTEM, INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES (5100)**

|    |   |   |           |           |   |           |           |   |
|----|---|---|-----------|-----------|---|-----------|-----------|---|
| 1. | OCHE -- Administration (01)   |   |           |           |   |           |           |   |
|    | 1,308,629   | 0 | 0         | 0         | 0 | 1,308,629 | 1,320,545 | 0 |
|    | 0   | 0 | 0         | 1,320,545 |   |           |           |   |
|    | a. Legislative Audit (Restricted/Biennial)                              |   |           |           |   |           |           |   |
|    | 38,381  | 0 | 0         | 0         | 0 | 38,381    | 0         | 0 |
|    | 0   | 0 | 0         | 0         |   |           |           |   |
| 2. | OCHE -- Student Assistance (02)   |   |           |           |   |           |           |   |
|    | 8,637,879   | 0 | 188,985   | 0         | 0 | 8,826,864 | 8,892,816 | 0 |
|    | 188,985   | 0 | 0         | 9,081,801 |   |           |           |   |
| 3. | OCHE -- Dwight D. Eisenhower Mathematics and Science Education Act (03) |   |           |           |   |           |           |   |
|    | 0   | 0 | 308,033   | 0         | 0 | 308,033   | 0         | 0 |
|    | 308,033   | 0 | 0         | 308,033   |   |           |           |   |
| 4. | OCHE -- Community College Assistance (04) (Biennial)                    |   |           |           |   |           |           |   |
|    | 5,755,140   | 0 | 0         | 0         | 0 | 5,755,140 | 5,783,759 | 0 |
|    | 0   | 0 | 0         | 5,783,759 |   |           |           |   |
|    | a. Legislative Audit (Restricted/Biennial)                              |   |           |           |   |           |           |   |
|    | 28,620  | 0 | 0         | 0         | 0 | 28,620    | 0         | 0 |
|    | 0   | 0 | 0         | 0         |   |           |           |   |
| 5. | OCHE -- Talent Search (06)  |   |           |           |   |           |           |   |
|    | 92,348  | 0 | 2,459,019 | 0         | 0 | 2,551,367 | 92,228    | 0 |
|    | 2,458,887   | 0 | 0         | 2,551,115 |   |           |           |   |

|     |   |  |            |             |   |             |            |            |
|-----|---|--|------------|-------------|---|-------------|------------|------------|
| 6.  | OCHE -- C.D. Perkins Administration (08)          |  |            |             |   |             |            |            |
|     | 74,299  | 0  | 6,812,119  | 0           | 0 | 6,886,418   | 74,299     | 0          |
|     | 6,812,607   | 0  | 0          | 6,886,906   |   |             |            |            |
| 7.  | OCHE -- Appropriation Distribution Transfers (09) |  |            |             |   |             |            |            |
|     | 98,363,306  | 12,435,000                                       | 0          | 0           | 0 | 110,798,306 | 98,598,585 | 12,562,999 |
|     | 0   | 0  | 0          | 111,161,584 |   |             |            |            |
|     | a.  | Legislative Audit (Restricted/Biennial)          |            |             |   |             |            |            |
|     | 236,594   | 0  | 0          | 0           | 0 | 236,594     | 0          | 0          |
|     | 0   | 0  | 0          | 0           |   |             |            |            |
|     | b.  | Agricultural Experiment Station                  |            |             |   |             |            |            |
|     | 9,980,299   | 0  | 0          | 0           | 0 | 9,980,299   | 9,980,299  | 0          |
|     | 0   | 0  | 0          | 9,980,299   |   |             |            |            |
|     | c.  | Institute for Biobased Products and Food Science |            |             |   |             |            |            |
|     | 200,000   | 0  | 0          | 0           | 0 | 200,000     | 200,000    | 0          |
|     | 0   | 0  | 0          | 200,000     |   |             |            |            |
|     | d.  | Extension Service                                |            |             |   |             |            |            |
|     | 4,338,100   | 0  | 0          | 0           | 0 | 4,338,100   | 4,338,100  | 0          |
|     | 0   | 0  | 0          | 4,338,100   |   |             |            |            |
|     | e.  | Montana Beef Network (Restricted/Biennial)       |            |             |   |             |            |            |
|     | 90,000  | 0  | 0          | 0           | 0 | 90,000      | 90,000     | 0          |
|     | 0   | 0  | 0          | 90,000      |   |             |            |            |
|     | f.  | Forestry and Conservation Experiment Station     |            |             |   |             |            |            |
|     | 919,661   | 0  | 0          | 0           | 0 | 919,661     | 919,661    | 0          |
|     | 0   | 0  | 0          | 919,661     |   |             |            |            |
|     | g.  | Bureau of Mines and Geology                      |            |             |   |             |            |            |
|     | 1,570,646   | 666,000  | 0          | 0           | 0 | 2,236,646   | 1,570,646  | 666,000    |
|     | 0   | 0  | 0          | 2,236,646   |   |             |            |            |
|     | h.  | Fire Services Training School                    |            |             |   |             |            |            |
|     | 507,637   | 0  | 0          | 0           | 0 | 507,637     | 507,637    | 0          |
|     | 0   | 0  | 0          | 507,637     |   |             |            |            |
|     | i.  | Dental Hygiene Program (Restricted/Biennial)     |            |             |   |             |            |            |
|     | 235,000   | 0  | 0          | 0           | 0 | 235,000     | 235,000    | 0          |
|     | 0   | 0  | 0          | 235,000     |   |             |            |            |
| 8.  | Tribal College Assistance Program (11) (Biennial) |  |            |             |   |             |            |            |
|     | 96,500  | 0  | 0          | 0           | 0 | 96,500      | 0          | 0          |
|     | 0   | 0  | 0          | 0           |   |             |            |            |
| 9.  | OCHE -- Guaranteed Student Loan (12)              |  |            |             |   |             |            |            |
|     | 0   | 0  | 32,247,756 | 0           | 0 | 32,247,756  | 0          | 0          |
|     | 35,249,226  | 0  | 0          | 35,249,226  |   |             |            |            |
|     | a.  | Legislative Audit (Restricted/Biennial)          |            |             |   |             |            |            |
|     | 0   | 0  | 4,732      | 0           | 0 | 4,732       | 0          | 0          |
|     | 4,732   | 0  | 0          | 4,732       |   |             |            |            |
| 10. | OCHE -- Board of Regents (13)                     |  |            |             |   |             |            |            |
|     | 51,889  | 0  | 0          | 0           | 0 | 51,889      | 51,889     | 0          |
|     | 0   | 0  | 0          | 51,889      |   |             |            |            |

|       |             |            |            |             |   |             |             |            |
|-------|-------------|------------|------------|-------------|---|-------------|-------------|------------|
| Total | 132,524,928 | 13,101,000 | 42,020,644 | 0           | 0 | 187,646,572 | 132,655,464 | 13,228,999 |
|       | 45,022,470  | 0          | 0          | 190,906,933 |   |             |             |            |

University system unit is defined in 17-7-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in House Bill No. 5, relating to long-range building and current unrestricted operating funds) are appropriated contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure information and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

Items 1 through 3, 5 through 7a, 9, and 10 are a single biennial lump-sum appropriation.

All university system units, except the office of the commissioner of higher education, shall account for expenditures

consistently within programs and funds across all units and shall use the standards of accounting and reporting, as described by the national association of college and university business officers, as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, except for information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g. The Montana university system shall provide the electronic data required for human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Total audit costs of the office of the commissioner of higher education are estimated to be \$38,381.

The budget amount for each full-time equivalent student at the community colleges, including Summitnet, is \$5,706 each year of the 2005 biennium, before pay plan, if any. The general fund appropriation in item 4 provides 43% of the budget amount for each full-time equivalent student each year of the 2005 biennium. The remaining 57% of the budget amount for each full-time equivalent student must be paid from funds other than those appropriated in items 4 and 4a.

Total Summitnet costs are estimated to be \$25,000 each year for the community colleges. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

Total audit costs are estimated to be \$54,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in the 2005 biennium. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$16,000 each for Dawson and Miles community colleges and \$22,000 for Flathead Valley community college.

Revenue anticipated to be received by the Montana university system units and colleges of technology includes:

- (1) interest earnings of \$1,460,000 each year of the 2005 biennium; and
- (2) other revenue of \$1,183,000 each year of the 2005 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in item 7.

The legislature acknowledges that tuition rates are determined by the board of regents and that tuition revenue is considered private revenue and therefore not subject to legislative appropriation.

Item 7 includes \$986,620 for the 2005 biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$157,100 in fiscal year 2004 and \$135,100 in fiscal year 2005; Montana tech of the university of Montana, \$28,000; Montana state university-northern, \$87,800 in fiscal year 2004 and \$83,800 in fiscal year 2005; Montana state university-Bozeman \$58,000; Montana state university-Billings, \$161,500; and western Montana college of the university of Montana, \$12,410.

Item 7 includes a total of \$44,253 of general fund money for the 2005 biennium for the Montana natural resource information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2005 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 7 includes a reduction in general fund money of \$1,337,499 in fiscal year 2004 and \$1,338,813 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The board of regents may reallocate this reduction in funding among university system units, as defined in 17-7-102(13), when developing 2005 biennium operating plans.

Total audit costs are estimated to be \$473,188 for the university system, other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 7a.

Revenue anticipated to be received by the agricultural experiment station includes:

- (1) interest earnings and other revenue of \$184,472 each year of the 2005 biennium;
- (2) federal revenue of \$2,022,075 in fiscal year 2004 and \$2,022,078 in fiscal year 2005; and
- (3) sales revenue of \$939,881 in fiscal year 2004 and \$939,881 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7b.

The general fund money in item 7c is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of nonstate money each year of the 2005 biennium for the purpose of supporting the institute for biobased products and food science.

Revenue anticipated to be received by the extension service includes:

- (1) interest earnings of \$20,606 each year of the 2005 biennium; and
- (2) federal revenue of \$2,490,698 in fiscal year 2004 and \$2,485,644 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7d.

Item 7e is a biennial, restricted appropriation for one staff person and for expenses for the Montana beef network within the extension service.

Anticipated interest revenue of \$4,858 in each year of the 2005 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 7f.

Anticipated sales revenue of \$29,157 each year of the 2005 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7g.

Anticipated interest revenue of \$1,545 each year of the 2005 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.

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**TOTAL SECTION E**

|             |            |             |             |   |             |             |            |
|-------------|------------|-------------|-------------|---|-------------|-------------|------------|
| 652,278,351 | 16,164,492 | 178,747,921 | 896,085     | 0 | 848,086,849 | 645,272,016 | 16,265,545 |
| 191,846,528 | 899,181    | 0           | 854,283,270 |   |             |             |            |

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**TOTAL STATE FUNDING**

|               |             |               |               |         |               |               |             |
|---------------|-------------|---------------|---------------|---------|---------------|---------------|-------------|
| 1,141,454,496 | 513,591,555 | 1,428,865,647 | 13,150,640    | 511,542 | 3,097,573,880 | 1,134,375,307 | 482,765,172 |
| 1,502,277,288 | 11,912,664  | 518,369       | 3,131,848,800 |         |               |               |             |

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**Section 1. Rates.** Internal service fund type fees and charges established by the legislature for the 2005 biennium in compliance with 17-7-123(1)(f)(ii) are as follows:

1.

|   | <u>Fiscal Year 2004</u> | <u>Fiscal Year 2005</u> |
|---|-------------------------|-------------------------|
| <b>DEPARTMENT OF TRANSPORTATION -- 5401</b> |                         |                         |
| 1. State Motor Pool                         |                         |                         |
| a. Class 02 (small utilities)               |                         |                         |
| per hour assigned                           | \$2.040                 | \$2.211                 |
| per mile operated                           | \$0.098                 | \$0.098                 |
| b. Class 04 (large utilities)               |                         |                         |
| per hour assigned                           | \$2.251                 | \$2.469                 |
| per mile operated                           | \$0.099                 | \$0.099                 |
| c. Class 06 (mid-size compacts)             |                         |                         |
| per hour assigned                           | \$1.370                 | \$1.516                 |
| per mile operated                           | \$0.067                 | \$0.067                 |
| d. Class 07 (small pickups)                 |                         |                         |
| per hour assigned                           | \$1.123                 | \$1.243                 |
| per mile operated                           | \$0.110                 | \$0.110                 |
| e. Class 11 (large pickups)                 |                         |                         |
| per hour assigned                           | \$1.284                 | \$1.451                 |
| per mile operated                           | \$0.123                 | \$0.123                 |
| f. Class 12 (vans – all type)               |                         |                         |
| per hour assigned                           | \$1.372                 | \$1.476                 |
| per mile operated                           | \$0.134                 | \$0.134                 |

2. Equipment Program

    b. All of program operations                      60-day working capital reserve

**DEPARTMENT OF REVENUE – 5801**

1. Customer Service Center

    a. Delinquent Account Collection Fee (percent of amount collected)    10.0%    10.0%

**DEPARTMENT OF ADMINISTRATION -- 6101**

1. Administration and Financial Services Division

|                            |          |          |
|----------------------------|----------|----------|
| a. Legal Services Unit     |          |          |
| Teachers' Retirement       | \$20,071 | \$20,071 |
| Personnel Division         | \$21,504 | \$21,504 |
| Risk Management &          |          |          |
| Tort Defense               | \$1,434  | \$1,434  |
| General Services           | \$5,018  | \$5,018  |
| Architecture & Engineering | \$15,770 | \$15,770 |
| Information Services       | \$19,354 | \$19,354 |
| Consumer Affairs           | \$35,841 | \$35,841 |
| Banking Division           | \$8,602  | \$8,602  |
| Lottery                    | \$14,336 | \$14,336 |

|  |                                |           |
|--|--------------------------------|-----------|
| Local Government Services                    | \$7,168                        | \$7,168   |
| b. Management Services Unit                  |                                |           |
| Administrative Financial Services            | \$53,239                       | \$53,290  |
| Architecture & Engineering                   | \$8,792                        | \$8,788   |
| General Services                             | \$78,474                       | \$78,451  |
| Information Services                         | \$237,023                      | \$236,913 |
| Personnel Division                           | \$21,165                       | \$21,157  |
| Risk Management &<br>Tort Defense            | \$39,534                       | \$39,517  |
| Banking Division                             | \$28,612                       | \$28,636  |
| Lottery                                      | \$29,397                       | \$29,384  |
| State Tax Appeal Board                       | \$4,250                        | \$4,254   |
| Appellate Defender                           | \$2,733                        | \$2,736   |
| c. Network Support Unit                      |                                |           |
| Support per computer                         | \$690                          | \$688     |
| d. Warrant Writer Program                    |                                |           |
| Mailer Warrants                              | \$0.58624                      | \$0.58017 |
| Non-Mailer Warrants                          | \$0.17803                      | \$0.17195 |
| Duplicate Warrants                           | \$5.63949                      | \$5.63768 |
| External Warrants                            | \$0.15523                      | \$0.14915 |
| Emergency Warrants                           | \$4.26759                      | \$4.26588 |
| e. Human Resources Unit                      |                                |           |
| Teachers' Retirement                         | \$5,278                        | \$5,299   |
| Public Employees' Retirement                 | \$10,062                       | \$10,101  |
| Administrative Financial Services            | \$9,568                        | \$9,605   |
| Architecture & Engineering                   | \$5,608                        | \$5,630   |
| General Services                             | \$27,525                       | \$27,633  |
| Banking Division                             | \$8,247                        | \$8,280   |
| Lottery Division                             | \$10,556                       | \$10,598  |
| Risk Management &<br>Tort Defense            | \$5,278                        | \$5,299   |
| Information Technology Services              | \$29,690                       | \$29,806  |
| Personnel Division                           | \$6,928                        | \$6,955   |
| 2. General Services Division                 |                                |           |
| a. Facilities Management Bureau              |                                |           |
| Office rent (\$ per sq. ft.)                 | \$5.988                        | \$6.22    |
| Storage rent (\$ per sq. ft.9)               | \$2.27                         | \$2.29    |
| In-house project<br>management (% of cost)   | 15%                            | 15%       |
| Contracted project<br>management (% of cost) | 5%                             | 5%        |
| b. Mail Services Section                     |                                |           |
| Interagency mail                             |                                |           |
| (total amount allocated to agencies)         | \$134,012                      | \$134,012 |
| All other operations                         |                                |           |
| except interagency mail                      | 60-day working capital reserve |           |
| c. Print Services Section                    | 60-day working capital reserve |           |
| d. Central Stores Program                    |                                |           |
| All of program operations                    | 60-day working capital reserve |           |
| e. Statewide Fueling Network Program         |                                |           |
| All of program operations                    | 45-day working capital reserve |           |
| f. State Procurement Card Program            |                                |           |
| Monthly card fee (per card per month)        | \$1.00                         | \$1.00    |
| 3. Information Technology Services Division  |                                |           |
| Data Network Fee                             |                                |           |
| (per connected terminal per month)           | \$72.60                        | \$72.60   |
| All other operations                         |                                |           |
| except data network                          | 45-day working capital reserve |           |
| 4. State Personnel Division                  |                                |           |

|  |                |                 |
|--|----------------|-----------------|
| a. Professional Development Center                       |                |                 |
| Training Services  | \$128.12       | \$125.59        |
| b. Payroll Processing                                    |                |                 |
| State Payroll Unit                                       | \$435,310      | \$461,614       |
| c. State Recruitment Advertising                         |                |                 |
| Administrative Fee                                       |                |                 |
| (per FTE per year)                                       | \$12           | \$12            |
| 5. Risk Management & Tort Defense                        |                |                 |
| a. General liability (total allocation                   |                |                 |
| to agencies)   | \$10,566,132   | \$11,205,485    |
| b. Auto liability, comprehensive, and                    |                |                 |
| collision (total allocation to agencies)                 | \$1,072,901    | \$1,084,370     |
| c. Aviation (total allocation to agencies)               | \$165,728      | \$165,822       |
| d. Property/Miscellaneous (total                         |                |                 |
| allocation to agencies)                                  | \$2,965,254    | \$2,997,090     |
| <b>DEPARTMENT OF FISH, WILDLIFE, &amp; PARKS -- 5201</b> |                |                 |
| 1. Administration and Finance (% markup)                 |                |                 |
| a. Warehouse Overhead                                    | 5%             | 5%              |
| 2. Vehicle Account Rates Per Mile                        |                |                 |
| a. Sedans  | \$0.28         | \$0.31          |
| b. Vans  | \$0.29         | \$0.32          |
| c. Utilities   | \$0.36         | \$0.38          |
| d. Grounds Maintenance                                   | \$0.95         | \$1.00          |
| e. Pickup 1/2 Ton  | \$0.35         | \$0.36          |
| f. Pickup 3/4 Ton  | \$0.36         | \$0.36          |
| 3. Aircraft Per Hour Rates                               |                |                 |
| a. 2 Place Single Engine                                 | \$ 56.72       | \$ 56.72        |
| b. Partnavia   | \$283.60       | \$297.78        |
| c. Turbine Helicopters                                   | \$345.72       | \$345.72        |
| 4. Duplicating – Number of Copies (includes paper)       |                |                 |
| a. 1-20  | \$0.045        | \$0.050         |
| b. 21-100  | \$0.030        | \$0.035         |
| c. 101-1000  | \$0.025        | \$0.030         |
| d. 1001-5000   | \$0.020        | \$0.025         |
| e. Color - per sheet                                     | \$0.25         | \$0.25          |
| 5. Bindery   |                |                 |
| a. Collating (per sheet)                                 | \$0.005        | \$0.005         |
| b. Hand Stapling (per set)                               | \$0.015        | \$0.015         |
| c. Saddle stitch (per set)                               | \$0.030        | \$0.030         |
| d. Folding (per sheet)                                   | \$0.005        | \$0.005         |
| e. Punching (per sheet)                                  | \$0.001        | \$0.001         |
| f. Cutting (per minute)                                  | \$0.550        | \$0.550         |
| 6. Parks – Capitol Grounds Maintenance                   | \$0.3696/sq.ft | \$0.3696/sq.ft. |

**DEPARTMENT OF ENVIRONMENTAL QUALITY -- 5301**

|                                       |     |     |
|---------------------------------------|-----|-----|
| 1. Central Management                 |     |     |
| a. Expenses Against Personal Services | 23% | 23% |

**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -- 5706**

|                           |          |          |
|---------------------------|----------|----------|
| 1. Air Operations Program |          |          |
| a. Bell UH-1H             | \$875.00 | \$875.00 |
| b. Bell Jet Ranger        | \$375.00 | \$375.00 |
| c. Cessna 180 series      | \$ 95.00 | \$ 95.00 |

**DEPARTMENT OF COMMERCE – 6501**

|  |  |  |
|--|--|--|
| 1. Board of Investments  |  |  |
| For the purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows: |  |  |

|   |             |             |
|---|-------------|-------------|
| a. Administration Charge (total)            | \$2,915,000 | \$2,920,000 |
| 2. Director’s Office/Management Services    |             |             |
| a. Management Services Indirect Charge Rate | 15%         | 15%         |

**DEPARTMENT OF JUSTICE – 4110**

|                          |         |         |
|--------------------------|---------|---------|
| 1. Agency Legal Services |         |         |
| a. Attorney (per hour)   | \$71.80 | \$71.80 |
| b. Paralegal (per hour)  | \$39.80 | \$39.80 |

**DEPARTMENT OF CORRECTIONS - 6401**

|  |             |             |
|--|-------------|-------------|
| 1. Secure Facilities   |             |             |
| a. Cook/chill rate to Montana State Prison                     | \$1.37/meal | \$1.37/meal |
| b. Cook/chill rate to Riverside Youth Correctional Facility    | \$2.01/meal | \$2.01/meal |
| c. Cook/chill rate to WATCH DUI Unit                           | \$1.59/meal | \$1.59/meal |
| d. Cook/chill rate to Helena Prerelease                        | \$2.01/meal | \$2.01/meal |
| 2. Montana Correctional Enterprises                            |             |             |
| a. Laundry rate to Montana State Prison                        | \$0.39/lb.  | \$0.39/lb.  |
| b. Laundry rate to Treasure State Correctional Training Center | \$0.39/lb.  | \$0.39/lb.  |
| c. Laundry rate to Montana State Hospital                      | \$0.38/lb.  | \$0.38/lb.  |
| d. Laundry rate to Montana Developmental Center                | \$0.46/lb.  | \$0.46/lb.  |
| e. Laundry rate to Riverside Youth Correctional Facility       | \$0.46/lb.  | \$0.46/lb.  |

**DEPARTMENT OF LABOR AND INDUSTRY – 6602**

|  |     |     |
|--|-----|-----|
| 1. Centralized Services Division           |     |     |
| a. Cost Allocation Plan                    | 10% | 12% |
| 2. Business Standards Division             |     |     |
| a. House Bill No. 2 Programs Recharge Rate | 48% | 48% |

**MONTANA UNIVERSITY SYSTEM - 5100**

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis.

-End-

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/11/2003

**SB 56**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 128**, be concurred in. Report adopted.

**SB 141**, be amended as follows:

1. Page 6, line 5.

**Strike:** "make its order sufficiently broad to"

2. Page 6, line 6 through line 7.

**Strike:** "interested" on line 6 through "litigation" on line 7

**Insert:** "persons who request the information"

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/11/2003

**SB 66**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 85**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 117**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 79**, be concurred in. Report adopted.

**SB 80**, be amended as follows:

1. Title, line 7.

**Following:** "SESSION"

**Insert:** "OR TO PERFORM CERTAIN TASKS BEFORE A REGULAR SESSION"

2. Page 1, line 12.

**Following:** "provided in"

**Insert:** "5-2-202 and"

**Following:** "(2)"

**Insert:** "of this section"

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**SB 81**, be concurred in and be placed on the consent calendar. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/12/2003

**HJR 2**, introduced joint resolution, be amended as follows:

1. Page 2.

**Following:** line 9

**Strike:** "WHEREAS, PPL-Montana has disputed the assessed value of its hydroelectric facilities in the state and has paid a portion of its property taxes under protest thereby reducing the amount of revenue available for the state general fund and the Montana University System 6-mill levy; and"

2. Page 2, line 16.

**Strike:** "\$1,208,833,000"

**Insert:** "\$1,207,542,000"

**Strike:** "\$1,236,422,000"

**Insert:** "\$1,241,443,000"

3. Page 2, line 17.

**Strike:** "\$1,291,497,000"

**Insert:** "\$1,296,456,000"

4. Page 2, line 19.

**Strike:** "\$83,228,000"

**Insert:** "\$81,316,000"

5. Page 3, line 13.

**Strike:** "180.179"

**Insert:** "182.196"

**Strike:** "186.420"

**Insert:** "192.538"

6. Page 3.

**Following:** line 13

**Insert:** "PPL-Montana Protested Property Tax Payments 0 (2.091) (2.129) (2.167)"

7. Page 3, line 19.

**Strike:** "25.808"

**Insert:** "26.608"

**Strike:** "18.783"



**Insert:** "23.916"  
**Strike:** "18.877"  
**Insert:** "19.885"

8. Page 5, line 5.  
**Strike:** "\$1,208.833"  
**Insert:** "\$1,207.542"  
**Strike:** "\$1,236.422"  
**Insert:** "\$1,241.443"  
**Strike:** "\$1,291.497"  
**Insert:** "\$1,296.456"

9. Page 7, line 21.  
**Strike:** "\$138.483"  
**Insert:** "\$141.803"  
**Strike:** "\$138.068"  
**Insert:** "\$145.361"

10. Page 8, line 1.  
**Strike:** "\$1,042.989"  
**Insert:** "\$1,061.830"  
**Strike:** "\$1,084.708"  
**Insert:** "\$1,143.202"

11. Page 8, line 7.  
**Strike:** "\$7.497"  
**Insert:** "\$6.838"  
**Strike:** "\$7.562"  
**Insert:** "\$6.894"

12. Page 8, line 10.  
**Strike:** "\$1,737.421"  
**Insert:** "\$1,758.923"  
**Strike:** "\$1,790.115"  
**Insert:** "\$1,855.234"

13. Page 8, line 15.  
**Strike:** "\$602.781"  
**Insert:** "\$611.232"  
**Strike:** "\$620.677"  
**Insert:** "\$644.762"

14. Page 18, line 14.  
**Strike:** "11.989"  
**Insert:** "12.120"  
**Strike:** "12.292"  
**Insert:** "12.685"

15. Page 18.  
**Following:** line 14  
**Insert:** "PPL-Montana 6-Mill Protested Property Tax Payments 0  
(0.131) (0.133) (0.136)"

16. Page 19, line 7.

**Strike:** "328.933"

**Insert:** "328.802"

**Strike:** "331.564"

**Insert:** "331.562"

**Strike:** "335.292"

**Insert:** "335.549"

And, as amended, be adopted. Report adopted.

## MESSAGES FROM THE SENATE

**House bills** concurred in and returned to the House:

3/11/2003

**HB 101**, introduced by Jent

**HB 137**, introduced by Lange

**HB 187**, introduced by Gallus

**HB 392**, introduced by Weiss

**HB 408**, introduced by Peterson

**HB 411**, introduced by Gallus

**HB 471**, introduced by Wanzenried

**HB 511**, introduced by Everett

**HB 636**, introduced by Forrester

**House joint resolution** concurred in and returned to the House:

3/11/2003

**HJR 16**, introduced by Mendenhall

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/11/2003

**HB 50**, introduced by Haines

**HB 142**, introduced by Devlin

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 68** - Representative Newman moved **SB 68** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Facey.

Total 1

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 75** - Representative Lange moved **SB 75** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne, Wilson.

Total 2

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 19** - Representative Newman moved **SB 19** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Golie, Jayne, Keane, Lawson, Raser, Smith.

Total 6

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**SB 20** - Representative Shockley moved **SB 20** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 31** - Representative Fuchs moved **SB 31** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 45** - Representative A. Olson moved **SB 45** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Buzzas, Dickenson, Everett, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Jayne, Kaufmann, Pattison, Roberts, Sales, Sinrud, Waitschies, Wilson, Windy Boy.  
Total 18

Voted Absentee: Lenhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Golie, Mendenhall.  
Total 3

Excused: Lenhart.  
Total 1

Absent or not voting: Wilson.  
Total 1

### **THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 311, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, R. Brown, Brueggeman,

Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Balyeat, Branae, D. Brown, Buzzas, Cyr, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Juneau, Kasten, Keane, Lindeen, Newman, Sales, Wanzenried, Weiss, Wilson.

Total 23

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 3**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 21**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Jayne, Sales, Sinrud.

Total 4

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 32**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 33**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Gallik, Gillan, Golie, Laszloffy, Mendenhall, Newman, Waitschies.

Total 7

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 49**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 69**, from the consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Everett, Sinrud.

Total 3

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

Representative Harris made a parliamentary inquiry that a 3/5 vote was required on the motion to reconsider action on **SB 5**, third reading yesterday.

The Chair ruled that a majority vote was required.

A meeting of the Rules Committee was called.

The Rules Committee upheld the ruling of the Chair.

**SB 5** (requiring 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.



Total 60

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Newman, A. Olson, Parker, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 39

Excused: Lenhart.  
Total 1

Absent or not voting: None.  
Total 0

**SB 14** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Sales.  
Total 2

Excused: Lenhart.  
Total 1

Absent or not voting: None.  
Total 0

## MOTIONS

Representative Brueggeman moved to reconsider action on **SB 5** third reading this day.

Representative Pattison moved previous question.

Motion to reconsider action on **SB 5** carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 61

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Parker, Raser, Small-Eastman, Wanzenried, Weiss,

Wilson, Windy Boy.  
Total 38

Excused: Lenhart.  
Total 1

Absent or not voting: None.  
Total 0

Representative Bruggeman moved to reconsider Representative Jent's motion that **SB 363** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary.

Representative Younkin moved previous question.

Motion to reconsider action on **SB 363** carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Rome, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: Lenhart.  
Total 1

Absent or not voting: None.  
Total 0

Representative Kasten moved to reconsider action on **HB 492**, second reading yesterday.

Representative Gallik made a substitute motion to table the motion to reconsider action on **HB 492**. Motion **failed** as follows:

Ayes: Ballantyne, Balyeat, Barrett, Bergren, Bitney, D. Brown, Brueggeman, P. Clark, Cohenour, Cyr, Devlin, Everett, Gallik, Gallus, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Keane, Laslovich, Lawson, Lehman, Mendenhall, Musgrove, Newman, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Ross, Ryan, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Witt, Mr. Speaker.  
Total 48

Noes: Andersen, Becker, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, Parker, Roberts, Rome, Schrumpf, Small-Eastman, Thomas, Weiss, Wilson, Windy Boy, Younkin.  
Total 50

Excused: Lenhart.

Total 1

Absent or not voting: Forrester.

Total 1

Motion to reconsider action on **HB 492 failed** as follows:

Ayes: Andersen, Becker, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hedges, Hurwitz, Jayne, Juneau, Kasten, Kaufmann, Laszloffy, Lewis, Lindeen, Maedje, Malcolm, Matthews, Musgrove, Noennig, Parker, Roberts, Rome, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Ballantyne, Balyeat, Barrett, Bergren, Bitney, D. Brown, R. Brown, Brueggeman, P. Clark, Cohenour, Cyr, Devlin, Everett, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Hawk, Jackson, Jacobson, Jent, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

#### **SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 70, SB 71, SB 78, SB 88, SJR 21, SJR 24.**

The following bills were removed from the consent calendar: **SB 19, SB 20, SB 31, SB 45.**

The following cosponsor was removed from **HB 604**: Bales.

The Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representatives Gallik and Hawk.

#### **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, March 13, 2003. Motion carried.

House adjourned at 2:45 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 13, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Andersen.  
Posting of colors and Pledge of Allegiance to the Flag led by the Girl Scout Troop #380 from the Alkali Creek School near Billings..

Roll Call. All members present, except Representative Lenhart, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Speaker Mood appointed the following people to the Environmental Quality Council:

Representative Barrett  
Representative P. Clark  
Representative Harris  
Representative Hedges  
Representative Bixby  
Representative Peterson  
Ms. Ellen Porter  
Ms. Julia Page

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/13/2003  
Correctly printed: **SB 22, SB 23, SB 56, SB 66, SB 79, SB 81, SB 85, SB 87, SB 117, SB 128.**  
Correctly engrossed: **HB 13, HB 360, HJR 2, SB 80, SB 141.**  
Correctly enrolled: **HB 101, HB 137, HB 187, HB 392, HB 408, HB 411, HB 471, HB 511, HB 636, HJR 16.**  
Examined by the sponsor and found to be correct: **HB 101, HB 187, HB 411, HB 636, HJR 16.**  
Signed by the Speaker at 8:45 a.m., March 13, 2003: **HB 321.**  
Signed by the Speaker at 11:45 a.m., March 13, 2003: **HB 101, HB 137, HB 187, HB 392, HB 408, HB 411, HB 471, HB 511, HB 636, HJR 16.**  
Delivered to the Secretary of State at 3:45 p.m., March 12, 2003: **HJR 18, HJR 22.**  
Delivered to the Governor for approval at 4:40 p.m., March 12, 2003: **HB 36, HB 45, HB 65, HB 77, HB 194, HB 353, HB 364, HB 366, HB 601.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/13/2003  
**SB 108**, be concurred in. Report adopted.  
**SB 109**, be amended as follows:

1. Page 27.

**Following:** line 22

**Insert:** "NEW SECTION. Section 33. Coordination instruction. If House Bill No. 285 and [this act] are both passed and approved, then [section 20 of this act] is amended to read:

"**Section 20.** Section 37-13-306, MCA, is amended to read:

"**37-13-306. Renewal -- fee -- military exemption.** ~~(1) The~~ Except as provided in [section 2 of House Bill No. 285], the license to practice acupuncture must be renewed on a date set by the department, without examination and upon request of the licensee. The request for renewal must be on ~~forms~~ a form prescribed by the board and accompanied

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by a renewal fee prescribed by the board. The request and fee must be in the hands of the secretary of the board received at the board's office not later than the expiration date of the license.

~~(2) Immediately following the renewal date, the secretary shall notify all licensees from whom requests for renewal, accompanied by the renewal fee, have not been received that their licenses have expired and that they will be canceled and revoked upon the records of the board unless a request for renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board, is in the hands of the secretary within 30 days of the renewal date.~~

~~(3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the board shall cancel and revoke upon the board's records all licenses that have not been renewed or reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the action.~~

~~(4) A licensee who allows the license to lapse by failing to renew or reinstate the license as provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction of the board and upon payment of all renewal fees then accrued plus an additional fee prescribed by the board for each renewal period following the cancelling of the license.~~

~~(5) A person actively engaged in the military service of the United States and licensed to practice acupuncture as provided in this part is not required to pay the renewal fee or make application for renewal until the renewal date of the calendar period in which the person returns from military service to civilian or inactive status."''''~~

And, as amended, be concurred in. Report adopted.

**SB 190**, be concurred in. Report adopted.

**EDUCATION** (Andersen, Chairman):

3/13/2003

**SB 183**, be concurred in. Report adopted.

**SB 202**, be concurred in. Report adopted.

**SJR 20**, be amended as follows:

1. Page 2, line 3.

**Strike:** "in"

**Insert:** "by the end of"

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

3/12/2003

**SB 122**, be concurred in. Report adopted.

**SB 221**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/13/2003

**SB 139**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 238**, be concurred in and be placed on the consent calendar. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 751**, introduced by Harris, Bixby, Callahan, Carney, P. Clark, Dickenson, Erickson, Fritz, Gutsche, Juneau, Raser, Weiss, Windy Boy, referred to Taxation.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative A. Olson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 698** - Representative Gillan moved **HB 698** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, Everett, Fisher, Fuchs, Hawk, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, Pattison, Rice, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies.

Total 22

Excused: Lenhart.

Total 1

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 142 - Senate Amendments** - Representative Devlin moved Senate amendments to **HB 142** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Laslovich.

Total 1

Voted Absentee: Lenhart, Aye.

Excused: None.

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Total 0

Absent or not voting: Schrumpf.

Total 1

**SB 16** - Representative Andersen moved **SB 16** be concurred in.

Representative Dickenson moved **SB 16**, second reading copy, be amended as follows:

1. Page 1, line 22.

**Strike:** "3"

**Insert:** "8"

Amendment **not** adopted as follows:

Ayes: Balyeat, Becker, Bergren, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Jacobson, Jayne, Jent, Kaufmann, Keane, Lenhart, Malcolm, Matthews, Newman, Raser, Rice, Schrumpf, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 38

Noes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 62

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 16** be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Gallus, Laszloffy, Rice, Sales, Smith.

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Total 5

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 26** - Representative Lawson moved **SB 26** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Franklin, Fuchs, Galvin-Halcro, Jayne, Musgrove, Sales, Sinrud, Wagman.

Total 9

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman, P. Clark, Pattison.

Total 3

**SB 36** - Representative Maedje moved **SB 36** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Lenhart, Aye.



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Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**SB 55** - Representative Facey moved **SB 55** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Mendenhall.  
Total 1

Voted Absentee: Lenhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 94** - Representative Facey moved **SB 94** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Barrett, Fuchs, Laszloffy, Rice, Ripley, Sales, Sinrud, Steinbeisser, Stoker.  
Total 10

Voted Absentee: Lenhart, Aye.

Excused: None.  
Total 0

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Absent or not voting: Everett, Windy Boy.  
Total 2

**SB 125** - Representative Bergren moved **SB 125** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Lenhart, Aye.

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Jackson, Mr. Speaker.  
Total 3

**SB 144** - Representative Bitney moved **SB 144** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 95

Noes: Balyeat, Jayne, Sales.  
Total 3

Voted Absentee: Lenhart, Aye.

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Mr. Speaker.  
Total 2

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**SB 151** - Representative Mendenhall moved **SB 151** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**SB 64** - Representative Shockley moved **SB 64** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Franklin.

Total 1

Voted Absentee: Lenhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman A. Olson moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Franklin, Gillan, Harris.

Total 3

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 5** (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lindeen, Newman, Parker, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 38

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 19** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Franklin, Gillan, Golie, Jayne, Lawson, Smith.

Total 6

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 20** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SB 31** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

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Noes: None.  
Total 0

Excused: Lenhart.  
Total 1

Absent or not voting: None.  
Total 0

**SB 45** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, D. Brown, Buzzas, Dickenson, Everett, Franklin, Gallik, Golie, Kasten, Pattison, Sales, Sinrud, Waitschies, Windy Boy.  
Total 14

Excused: Lenhart.  
Total 1

Absent or not voting: Peterson.  
Total 1

**SB 68** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Facey.  
Total 1

Excused: Lenhart.  
Total 1

Absent or not voting: None.

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Total 0

**SB 75** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved **SB 133** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **SB 152** be taken from the Committee on Taxation and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Representative Peterson moved to reconsider action taken on **SB 5**, third reading today, and that it be placed back on third reading Legislative Day 54.

Representative Gallus made a substitute motion to remove **SB 5** from third reading. Representative Gallus withdrew his motion.

Motion to reconsider action on **SB 5** carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

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Noes: Bixby, Branae, Buzzas, Dickenson, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Jacobson, Juneau, Parker, Raser, Weiss, Wilson.

Total 15

Excused: Lenhart.

Total 1

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 22, SB 23, SB 56, SB 66, SB 80, SB 81, SB 85, SB 87, SB 117.**

The following bills were removed from the consent calendar: **SB 64, SB 78, SJR 24.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, March 14, 2003. Motion carried.

House adjourned at 2:51 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 14, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-first and fifty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/14/2003  
Correctly printed: **SB 108, SB 122, SB 139, SB 183, SB 190, SB 202, SB 221, SB 238.**  
Correctly engrossed: **SB 109, SJR 20.**  
Correctly enrolled: **HB 49, HB 72, HB 79, HB 117, HB 135, HB 166, HB 198, HB 325, HB 326, HB 378, HB 427, HB 450, HB 542, HJR 3.**  
Examined by the sponsor and found to be correct: **HB 49, HB 72, HB 79, HB 117, HB 135, HB 137, HB 166, HB 198, HB 325, HB 326, HB 392, HB 408, HB 427, HB 450, HB 471, HB 511, HB 542, HJR 3, HJR 13.**  
Signed by the Speaker at 9:50 a.m., March 14, 2003: **HB 49, HB 72, HB 79, HB 135, HB 198, HB 325, HB 326, HB 378, HB 427, HJR 3.**  
Delivered to the Governor for approval at 9:40 a.m., March 14, 2003: **HB 101, HB 137, HB 187, HB 321, HB 392, HB 408, HB 411, HB 471, HB 511, HB 636.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/14/2003  
**SB 132**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 173**, be concurred in and be placed on the consent calendar. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 3/14/2003  
**SB 253**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/13/2003  
**HB 124**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Strike:** "ON THE USE OF CIVIL AND CRIMINAL COURTS"  
**Insert:** "UPON CERTAIN CRIMINAL CONVICTIONS"
2. Page 1, line 19.  
**Strike:** "on use of court system"  
**Insert:** "upon certain criminal convictions"
3. Page 1, line 20.  
**Strike:** "original"  
**Insert:** "limited"

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**Following:** "jurisdiction"

**Insert:** ", except small claims courts,"

4. Page 1, line 20 through line 21.

**Strike:** "levied" on line 20 through "system" on line 21

**Strike:** ":" on line 21

5. Page 1, line 22.

**Strike:** "(a)"

**Strike:** "or bail;"

**Insert:** "."

6. Page 1, line 23 through line 28.

**Strike:** lines 23 through 28 in their entirety

**Insert:** "(2) A court may not waive payment of the surcharge unless the court determines that the defendant is unable to pay the surcharge. Inability to pay must be supported by a sworn statement from the defendant demonstrating financial inability to pay without substantial hardship in providing for personal or family necessities. The statement is not admissible in the proceeding unless offered for impeachment purposes and is not admissible in a subsequent prosecution for perjury or false swearing."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/14/2003

**SB 97**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 98**, be amended as follows:

1. Title, line 6.

**Strike:** "AND"

2. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1.

**Following:** line 23

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to personal-care facilities established in a residential zone after October 1, 2003."

And, as amended, be concurred in. Report adopted.

**SJR 25**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/14/2003

**SB 110**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ACT"

**Insert:** "REVISING CERTAIN OPTIONAL RETIREMENT PLAN MEMBERSHIP PROVISIONS;"

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2. Title, page 1, line 6.

**Following:** "SYSTEM"

**Insert:** "OR THE TEACHERS' RETIREMENT SYSTEM"

3. Title, page 1, line 7.

**Strike:** "A POSITION"

**Insert:** "CERTAIN POSITIONS"

4. Title, page 1, line 9.

**Strike:** the first "AND"

**Strike:** the second "AND"

**Insert:** ", "

**Following:** "19-3-1106,"

**Insert:** "19-20-302, AND 19-20-804,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 14.

**Strike:** "The"

**Insert:** "Except as provided in subsection (2), the"

6. Page 1, line 15.

**Following:** "system"

**Strike:** "at their option"

**Insert:** "or decline this optional membership"

7. Page 2.

**Following:** line 7

**Insert:** "(c)(i) A member who is a local elected official and an active member on [the effective date of this act] and who is working in the member's elected position less than 960 hours in a calendar year may, until January 1, 2004, decline optional membership with respect to the member's elected position.

(ii) A member who after [the effective date of this act] is elected to a local government position in which the member works less than 960 hours in a calendar year may, within 180 days of being elected, decline optional membership with respect to the member's elected position."

8. Page 3, line 24.

**Strike:** "does not elect to be an active member of the system"

**Insert:** "declines optional membership"

9. Page 3, line 25.

**Strike:** "(1)(a)(ii)"

10. Page 3.

**Following:** line 25

**Insert:** "**Section 3.** Section 19-20-302, MCA, is amended to read:

**"19-20-302. Active membership.** (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system:

(a) a person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) a person who is an administrative officer or a member of the instructional or scientific staff of a unit of the

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Montana university system and who has not elected or is not required to participate in the optional retirement program under Title 19, chapter 21;

(c) a person employed as a speech-language pathologist, school nurse, or school psychologist or in a teaching capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(d) a person who is an administrative officer or a member of the instructional staff of the board of public education; ~~and~~

(e) the superintendent of public instruction or a person employed in an instructional services capacity by the office of public instruction; and

(f) a person elected to the office of county superintendent of schools.

(2) A ~~person~~ retired member elected to the office of county superintendent of schools or appointed to complete the term of an elected county superintendent of schools after July 1, 1995, is not eligible for optional membership in the public employees' retirement system under the provisions of 19-3-412 and may, within 30 days of taking office, elect to become or to not become an active member of the teachers' retirement system. The retirement system membership of an elected county superintendent of schools as of June 30, 1995, must remain unchanged for as long as the person continues to serve in the capacity of county superintendent of schools.

(3) In order to be eligible for active membership, a person described in subsection (1) or (2) must:

(a) be employed in the capacity prescribed for the person's eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for the person's creditable service totally paid by an employer.

(4) (a) A substitute teacher or a part-time teacher's aide:

(i) shall file an irrevocable written election determining whether to become an active member of the retirement system on the first day of employment; or

(ii) is required to become an active member of the retirement system after completing 210 hours of employment in any fiscal year if the substitute teacher or part-time teacher's aide has not elected membership under subsection (4)(a)(i).

(b) Once a part-time teacher's aide becomes a member, the aide is required to remain an active member as long as the aide is employed in that capacity. Once a substitute teacher becomes a member, the substitute teacher is required to remain a member as long as the teacher is available for employment in that capacity.

(c) A person employed as a substitute teacher on July 1, 1999, who has not elected to become a member by that date shall file an irrevocable written election as required by subsection (4)(a)(i) on the first day of employment as a substitute in the next school year after July 1, 1999.

(d) A person employed as a part-time teacher's aide on July 1, 2001, who is not a member of the retirement system shall file an irrevocable written election as required by subsection (4)(a)(i) on the first day of employment as a part-time teacher's aide after July 1, 2001.

(e) The employer shall give written notification to a substitute teacher or part-time teacher's aide on the first day of employment of the option to elect membership under subsection (4)(a)(i).

(f) If a substitute teacher or part-time teacher's aide declines to elect membership during the election period, the teacher or part-time teacher's aide shall file a written statement with the employer waiving membership and the employer shall retain the statement.

(5) A school district clerk or business official may not become a member of the teachers' retirement system. A school district clerk or business official who is a member of the system on July 1, 2001, is required to remain an active member of the system while employed in that capacity, and any postretirement earnings from employment as a school district clerk or school business official are subject to the limit on earnings provided in 19-20-804.

(6) At any time that a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine the person's eligibility for membership. All persons in similar circumstances must be treated alike.

(7) As used in this section, "part-time teacher's aide" means an individual who works less than 7 hours a day assisting a certified teacher in a classroom.""

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**Insert: "Section 4.** Section 19-20-804, MCA, is amended to read:

**"19-20-804. Allowance for service retirement.** (1) Upon termination, a member who has attained normal retirement age must receive a retirement allowance equal to one-sixtieth of the member's average final compensation, as limited by 19-20-715, multiplied by the sum of the number of years of creditable service and service transferred under 19-20-409.

(2) Except as provided in subsection (4), a retired member may be employed part-time in a position specified in 19-20-302 and may earn, without loss of retirement benefits, an amount not to exceed the greater of:

(a) one-third of the sum of the member's average final compensation; or

(b) one-third of the median of the average final compensation for members retired during the preceding fiscal year as determined by the retirement board.

(3) On July 1 of each year following the member's retirement effective date, the maximum earning amount allowed under subsection (2)(a) is increased by an amount equal to the consumer price index increase for urban wage earners compiled by the bureau of labor statistics of the United States department of labor or its successor agency in the preceding year.

(4) (a) Except as provided in subsection (5), the retirement benefit of a retired member employed in a full-time position or earning more than allowed by subsection (2) must be canceled beginning in the month in which the retired member returns to full-time employment or earns more than allowed.

(b) The retirement benefits of a retired member who was employed in a full-time position or who exceeded the amount that the retired member was eligible to earn under subsection (2) and who was reemployed for less than 1 year must, upon termination of employment, be reinstated beginning in the later of either the month following termination or July 1 of the school year following the date on which the retired member was reemployed. The reinstated retirement benefit is the amount that the retired member would have been entitled to receive had the retired member not returned to employment.

(c) Upon retirement after cancellation of a retired member's benefit pursuant to subsection (4)(a), a retired member who is reemployed as an active member for a minimum of 1 year of full-time service must receive a recalculated benefit. The recalculated benefit is based on the service credit accumulated at the time of the member's previous retirement plus any service credit accumulated subsequent to reemployment.

(d) A retired member elected to the office of county superintendent or appointed to complete the term of an elected county superintendent and who elects, pursuant to 19-20-302(2), to not become an active member is exempt from the employment and earnings limits specified in subsection (2).

(5) If an early-retired member under 19-20-802 is reemployed with the same employer within 30 days from the member's effective date of retirement or if the early-retired member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be terminated.""

**Insert: "NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.""

And, as amended, be concurred in. Report adopted.

**SB 160**, be concurred in. Report adopted.

**SB 550**, be concurred in. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

3/13/2003

**SB 83**, be concurred in. Report adopted.

**SB 102**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 107**, be concurred in. Report adopted.

**SB 118**, be concurred in. Report adopted.

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**MESSAGES FROM THE SENATE**

**House amendments to Senate bill** not concurred in: 3/13/2003

**SB 47**, introduced by Gebhardt

**House bills** concurred in and returned to the House: 3/13/2003

**HB 117**, introduced by Kaufmann

**HB 166**, introduced by Wanzenried

**HB 450**, introduced by Newman

**HB 542**, introduced by Franklin

**House joint resolution** concurred in and returned to the House: 3/13/2003

**HJR 13**, introduced by Hurwitz

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/2003

**HB 56**, introduced by B. Thomas

**HB 154**, introduced by Lenhart

**HB 156**, introduced by Matthews

**HB 210**, introduced by Shockley

**HB 305**, introduced by Peterson

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/2003

**HJR 9**, introduced by Smith

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:09 p.m.

House reconvened at 1:33 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gibson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 2** - Representative Devlin moved **HJR 2** be adopted.

Representative Devlin moved **HJR 2**, second reading copy, be amended as follows:

1. Page 19, line 1.

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**Strike:** "50.875"

**Insert:** "1.938"

2. Page 19, line 21.

**Strike:** "326.689"

**Insert:** "277.752"

3. Page 21, line 8.

**Strike:** "\$1,765.974"

**Insert:** "\$1,791.346"

**Strike:** "\$1,820.373"

**Insert:** "\$1,889.363"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Motion that **HJR 2**, as amended, be adopted carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bergren, Bixby, P. Clark, Dowell, Gutsche, Jayne, Juneau, Lawson, Lindeen, Newman, Raser, Smith, Wanzenried, Weiss, Wilson.

Total 15

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Excused: None.  
Total 0

Absent or not voting: Harris, Small-Eastman.  
Total 2

**SB 78** - Representative Younkin moved **SB 78** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 79** - Representative Younkin moved **SB 79** be concurred in.

Representative Brueggeman moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Becker, Bergren, Bixby, Buzzas, Cohenour, Franklin, Gallik, Gallus, Gillan, Gutsche, Kaufmann, Parker, Ryan, Small-Eastman, Wilson, Windy Boy.  
Total 17

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1



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Motion that **SB 79** be concurred in **failed** as follows:

Ayes: Ballantyne, Barrett, Becker, Bookout-Reinicke, Branae, Carney, Cohenour, Dickenson, Dowell, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Hedges, Jacobson, Juneau, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Windy Boy, Younkin, Mr. Speaker.

Total 43

Noes: Andersen, Balyeat, Bergren, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Keane, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Pattison, Peterson, Rice, Ross, Sinrud, Small-Eastman, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gibson moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Becker, Erickson, Golie, Lindeen, Raser, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 71**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 88**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Becker, Buzzas, Callahan, P. Clark, Dowell, Erickson, Facey, Franklin, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SJR 21**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Jackson, Kasten, Ripley, Roberts, Sales, Shockley, Sinrud.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 142, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Small-Eastman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 698** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley,

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Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Balyeat, Bookout-Reinicke, D. Brown, Everett, Fisher, Fuchs, Hawk, Jackson, Kasten, Laszloffy, Lehman, Lewis, Malcolm, Pattison, Rice, Sales, Sinrud, Steinbeisser, Stoker, Waitschies.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 5** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Becker, Bixby, Buzzas, Juneau.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 16** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: D. Brown, Laszloffy, Rice, Sales, Smith.

Total 5

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 26** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Everett, Franklin, Fuchs, Gallik, Galvin-Halcro, Jayne, Kasten, Musgrove, Sales, Sinrud, Wilson.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 36** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 55** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Mendenhall.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 64** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan,

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Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Barrett, Jackson, Kasten, Laszloffy, Pattison, Rice, Ripley, Sales, Sinrud, Steinbeisser.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 125** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: D. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 144** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 151** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved to postpone consideration on **SJR 24** until Legislative Day 58. There being no objection, so ordered.

Representative Facey moved **SB 184** be taken from the Committee on Fish, Wildlife, and Parks and be rereferred to the Committee on Judiciary.

Representative Brueggeman moved previous question.

Motion to rerefer **SB 184** (requiring 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 52

Noes: Andersen, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome,



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Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Matthews.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/14/2003  
Signed by the Speaker at 2:15 p.m., March 14, 2003: **HB 117, HB 166, HB 450, HB 542, HJR 13.**  
Delivered to the Secretary of State at 2:06 p.m., March 14, 2003: **HJR 3.**

**SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 102, SB 238.**

The following bill was removed from the consent calendar: **SB 70.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 15, 2003. Motion carried.

House adjourned at 3:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 14, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-first and fifty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/14/2003  
Correctly printed: **SB 108, SB 122, SB 139, SB 183, SB 190, SB 202, SB 221, SB 238.**  
Correctly engrossed: **SB 109, SJR 20.**  
Correctly enrolled: **HB 49, HB 72, HB 79, HB 117, HB 135, HB 166, HB 198, HB 325, HB 326, HB 378, HB 427, HB 450, HB 542, HJR 3.**  
Examined by the sponsor and found to be correct: **HB 49, HB 72, HB 79, HB 117, HB 135, HB 137, HB 166, HB 198, HB 325, HB 326, HB 392, HB 408, HB 427, HB 450, HB 471, HB 511, HB 542, HJR 3, HJR 13.**  
Signed by the Speaker at 9:50 a.m., March 14, 2003: **HB 49, HB 72, HB 79, HB 135, HB 198, HB 325, HB 326, HB 378, HB 427, HJR 3.**  
Delivered to the Governor for approval at 9:40 a.m., March 14, 2003: **HB 101, HB 137, HB 187, HB 321, HB 392, HB 408, HB 411, HB 471, HB 511, HB 636.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/14/2003  
**SB 132**, be concurred in and be placed on the consent calendar. Report adopted.  
**SB 173**, be concurred in and be placed on the consent calendar. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 3/14/2003  
**SB 253**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/13/2003  
**HB 124**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Strike:** "ON THE USE OF CIVIL AND CRIMINAL COURTS"  
**Insert:** "UPON CERTAIN CRIMINAL CONVICTIONS"
2. Page 1, line 19.  
**Strike:** "on use of court system"  
**Insert:** "upon certain criminal convictions"
3. Page 1, line 20.  
**Strike:** "original"  
**Insert:** "limited"

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**Following:** "jurisdiction"

**Insert:** ", except small claims courts,"

4. Page 1, line 20 through line 21.

**Strike:** "levied" on line 20 through "system" on line 21

**Strike:** ":" on line 21

5. Page 1, line 22.

**Strike:** "(a)"

**Strike:** "or bail;"

**Insert:** "."

6. Page 1, line 23 through line 28.

**Strike:** lines 23 through 28 in their entirety

**Insert:** "(2) A court may not waive payment of the surcharge unless the court determines that the defendant is unable to pay the surcharge. Inability to pay must be supported by a sworn statement from the defendant demonstrating financial inability to pay without substantial hardship in providing for personal or family necessities. The statement is not admissible in the proceeding unless offered for impeachment purposes and is not admissible in a subsequent prosecution for perjury or false swearing."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/14/2003

**SB 97**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 98**, be amended as follows:

1. Title, line 6.

**Strike:** "AND"

2. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1.

**Following:** line 23

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to personal-care facilities established in a residential zone after October 1, 2003."

And, as amended, be concurred in. Report adopted.

**SJR 25**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/14/2003

**SB 110**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ACT"

**Insert:** "REVISING CERTAIN OPTIONAL RETIREMENT PLAN MEMBERSHIP PROVISIONS;"

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2. Title, page 1, line 6.

**Following:** "SYSTEM"

**Insert:** "OR THE TEACHERS' RETIREMENT SYSTEM"

3. Title, page 1, line 7.

**Strike:** "A POSITION"

**Insert:** "CERTAIN POSITIONS"

4. Title, page 1, line 9.

**Strike:** the first "AND"

**Strike:** the second "AND"

**Insert:** ", "

**Following:** "19-3-1106,"

**Insert:** "19-20-302, AND 19-20-804,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 14.

**Strike:** "The"

**Insert:** "Except as provided in subsection (2), the"

6. Page 1, line 15.

**Following:** "system"

**Strike:** "at their option"

**Insert:** "or decline this optional membership"

7. Page 2.

**Following:** line 7

**Insert:** "(c)(i) A member who is a local elected official and an active member on [the effective date of this act] and who is working in the member's elected position less than 960 hours in a calendar year may, until January 1, 2004, decline optional membership with respect to the member's elected position.

(ii) A member who after [the effective date of this act] is elected to a local government position in which the member works less than 960 hours in a calendar year may, within 180 days of being elected, decline optional membership with respect to the member's elected position."

8. Page 3, line 24.

**Strike:** "does not elect to be an active member of the system"

**Insert:** "declines optional membership"

9. Page 3, line 25.

**Strike:** "(1)(a)(ii)"

10. Page 3.

**Following:** line 25

**Insert:** "**Section 3.** Section 19-20-302, MCA, is amended to read:

**"19-20-302. Active membership.** (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system:

(a) a person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) a person who is an administrative officer or a member of the instructional or scientific staff of a unit of the

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Montana university system and who has not elected or is not required to participate in the optional retirement program under Title 19, chapter 21;

(c) a person employed as a speech-language pathologist, school nurse, or school psychologist or in a teaching capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(d) a person who is an administrative officer or a member of the instructional staff of the board of public education; ~~and~~

(e) the superintendent of public instruction or a person employed in an instructional services capacity by the office of public instruction; and

(f) a person elected to the office of county superintendent of schools.

(2) A ~~person~~ retired member elected to the office of county superintendent of schools or appointed to complete the term of an elected county superintendent of schools after July 1, 1995, is not eligible for optional membership in the public employees' retirement system under the provisions of 19-3-412 and may, within 30 days of taking office, elect to become or to not become an active member of the teachers' retirement system. The retirement system membership of an elected county superintendent of schools as of June 30, 1995, must remain unchanged for as long as the person continues to serve in the capacity of county superintendent of schools.

(3) In order to be eligible for active membership, a person described in subsection (1) or (2) must:

(a) be employed in the capacity prescribed for the person's eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for the person's creditable service totally paid by an employer.

(4) (a) A substitute teacher or a part-time teacher's aide:

(i) shall file an irrevocable written election determining whether to become an active member of the retirement system on the first day of employment; or

(ii) is required to become an active member of the retirement system after completing 210 hours of employment in any fiscal year if the substitute teacher or part-time teacher's aide has not elected membership under subsection (4)(a)(i).

(b) Once a part-time teacher's aide becomes a member, the aide is required to remain an active member as long as the aide is employed in that capacity. Once a substitute teacher becomes a member, the substitute teacher is required to remain a member as long as the teacher is available for employment in that capacity.

(c) A person employed as a substitute teacher on July 1, 1999, who has not elected to become a member by that date shall file an irrevocable written election as required by subsection (4)(a)(i) on the first day of employment as a substitute in the next school year after July 1, 1999.

(d) A person employed as a part-time teacher's aide on July 1, 2001, who is not a member of the retirement system shall file an irrevocable written election as required by subsection (4)(a)(i) on the first day of employment as a part-time teacher's aide after July 1, 2001.

(e) The employer shall give written notification to a substitute teacher or part-time teacher's aide on the first day of employment of the option to elect membership under subsection (4)(a)(i).

(f) If a substitute teacher or part-time teacher's aide declines to elect membership during the election period, the teacher or part-time teacher's aide shall file a written statement with the employer waiving membership and the employer shall retain the statement.

(5) A school district clerk or business official may not become a member of the teachers' retirement system. A school district clerk or business official who is a member of the system on July 1, 2001, is required to remain an active member of the system while employed in that capacity, and any postretirement earnings from employment as a school district clerk or school business official are subject to the limit on earnings provided in 19-20-804.

(6) At any time that a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine the person's eligibility for membership. All persons in similar circumstances must be treated alike.

(7) As used in this section, "part-time teacher's aide" means an individual who works less than 7 hours a day assisting a certified teacher in a classroom.""

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**Insert: "Section 4.** Section 19-20-804, MCA, is amended to read:

**"19-20-804. Allowance for service retirement.** (1) Upon termination, a member who has attained normal retirement age must receive a retirement allowance equal to one-sixtieth of the member's average final compensation, as limited by 19-20-715, multiplied by the sum of the number of years of creditable service and service transferred under 19-20-409.

(2) Except as provided in subsection (4), a retired member may be employed part-time in a position specified in 19-20-302 and may earn, without loss of retirement benefits, an amount not to exceed the greater of:

(a) one-third of the sum of the member's average final compensation; or

(b) one-third of the median of the average final compensation for members retired during the preceding fiscal year as determined by the retirement board.

(3) On July 1 of each year following the member's retirement effective date, the maximum earning amount allowed under subsection (2)(a) is increased by an amount equal to the consumer price index increase for urban wage earners compiled by the bureau of labor statistics of the United States department of labor or its successor agency in the preceding year.

(4) (a) Except as provided in subsection (5), the retirement benefit of a retired member employed in a full-time position or earning more than allowed by subsection (2) must be canceled beginning in the month in which the retired member returns to full-time employment or earns more than allowed.

(b) The retirement benefits of a retired member who was employed in a full-time position or who exceeded the amount that the retired member was eligible to earn under subsection (2) and who was reemployed for less than 1 year must, upon termination of employment, be reinstated beginning in the later of either the month following termination or July 1 of the school year following the date on which the retired member was reemployed. The reinstated retirement benefit is the amount that the retired member would have been entitled to receive had the retired member not returned to employment.

(c) Upon retirement after cancellation of a retired member's benefit pursuant to subsection (4)(a), a retired member who is reemployed as an active member for a minimum of 1 year of full-time service must receive a recalculated benefit. The recalculated benefit is based on the service credit accumulated at the time of the member's previous retirement plus any service credit accumulated subsequent to reemployment.

(d) A retired member elected to the office of county superintendent or appointed to complete the term of an elected county superintendent and who elects, pursuant to 19-20-302(2), to not become an active member is exempt from the employment and earnings limits specified in subsection (2).

(5) If an early-retired member under 19-20-802 is reemployed with the same employer within 30 days from the member's effective date of retirement or if the early-retired member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be terminated.""

**Insert: "NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.""

And, as amended, be concurred in. Report adopted.

**SB 160**, be concurred in. Report adopted.

**SB 550**, be concurred in. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

3/13/2003

**SB 83**, be concurred in. Report adopted.

**SB 102**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 107**, be concurred in. Report adopted.

**SB 118**, be concurred in. Report adopted.

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**MESSAGES FROM THE SENATE**

**House amendments to Senate bill** not concurred in: 3/13/2003

**SB 47**, introduced by Gebhardt

**House bills** concurred in and returned to the House: 3/13/2003

**HB 117**, introduced by Kaufmann

**HB 166**, introduced by Wanzenried

**HB 450**, introduced by Newman

**HB 542**, introduced by Franklin

**House joint resolution** concurred in and returned to the House: 3/13/2003

**HJR 13**, introduced by Hurwitz

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/2003

**HB 56**, introduced by B. Thomas

**HB 154**, introduced by Lenhart

**HB 156**, introduced by Matthews

**HB 210**, introduced by Shockley

**HB 305**, introduced by Peterson

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/13/2003

**HJR 9**, introduced by Smith

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:09 p.m.

House reconvened at 1:33 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gibson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 2** - Representative Devlin moved **HJR 2** be adopted.

Representative Devlin moved **HJR 2**, second reading copy, be amended as follows:

1. Page 19, line 1.

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**Strike:** "50.875"

**Insert:** "1.938"

2. Page 19, line 21.

**Strike:** "326.689"

**Insert:** "277.752"

3. Page 21, line 8.

**Strike:** "\$1,765.974"

**Insert:** "\$1,791.346"

**Strike:** "\$1,820.373"

**Insert:** "\$1,889.363"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Motion that **HJR 2**, as amended, be adopted carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bergren, Bixby, P. Clark, Dowell, Gutsche, Jayne, Juneau, Lawson, Lindeen, Newman, Raser, Smith, Wanzenried, Weiss, Wilson.

Total 15



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Excused: None.  
Total 0

Absent or not voting: Harris, Small-Eastman.  
Total 2

**SB 78** - Representative Younkin moved **SB 78** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 79** - Representative Younkin moved **SB 79** be concurred in.

Representative Brueggeman moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Becker, Bergren, Bixby, Buzzas, Cohenour, Franklin, Gallik, Gallus, Gillan, Gutsche, Kaufmann, Parker, Ryan, Small-Eastman, Wilson, Windy Boy.  
Total 17

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

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Motion that **SB 79** be concurred in **failed** as follows:

Ayes: Ballantyne, Barrett, Becker, Bookout-Reinicke, Branae, Carney, Cohenour, Dickenson, Dowell, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Hedges, Jacobson, Juneau, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Windy Boy, Younkin, Mr. Speaker.

Total 43

Noes: Andersen, Balyeat, Bergren, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Keane, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Pattison, Peterson, Rice, Ross, Sinrud, Small-Eastman, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gibson moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Becker, Erickson, Golie, Lindeen, Raser, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 71**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 88**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Becker, Buzzas, Callahan, P. Clark, Dowell, Erickson, Facey, Franklin, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SJR 21**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Jackson, Kasten, Ripley, Roberts, Sales, Shockley, Sinrud.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 142, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Small-Eastman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 698** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley,

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Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Balyeat, Bookout-Reinicke, D. Brown, Everett, Fisher, Fuchs, Hawk, Jackson, Kasten, Laszloffy, Lehman, Lewis, Malcolm, Pattison, Rice, Sales, Sinrud, Steinbeisser, Stoker, Waitschies.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 5** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Becker, Bixby, Buzzas, Juneau.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 16** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: D. Brown, Laszloffy, Rice, Sales, Smith.

Total 5

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 26** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Everett, Franklin, Fuchs, Gallik, Galvin-Halcro, Jayne, Kasten, Musgrove, Sales, Sinrud, Wilson.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 36** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 55** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Mendenhall.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 64** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan,

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Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Barrett, Jackson, Kasten, Laszloffy, Pattison, Rice, Ripley, Sales, Sinrud, Steinbeisser.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 125** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: D. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 144** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 151** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative R. Brown moved to postpone consideration on **SJR 24** until Legislative Day 58. There being no objection, so ordered.

Representative Facey moved **SB 184** be taken from the Committee on Fish, Wildlife, and Parks and be rereferred to the Committee on Judiciary.

Representative Brueggeman moved previous question.

Motion to rerefer **SB 184** (requiring 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 52

Noes: Andersen, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome,

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Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Matthews.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/14/2003  
Signed by the Speaker at 2:15 p.m., March 14, 2003: **HB 117, HB 166, HB 450, HB 542, HJR 13.**  
Delivered to the Secretary of State at 2:06 p.m., March 14, 2003: **HJR 3.**

**SPECIAL ORDERS OF THE DAY**

The following bills were placed on the consent calendar: **SB 102, SB 238.**

The following bill was removed from the consent calendar: **SB 70.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 15, 2003. Motion carried.

House adjourned at 3:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 17, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation sung by Representative Lake's daughter, Colleen Callahan from East Helena and Representative Stoker's wife, Jean Stoker from Hamilton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Forrester and Gallik, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Bob Bergren, Havre  
Stryker Clark, Trout Creek  
Cole Derks, Denton  
Ashley Gonser, Great Falls  
Michael Pasque, Eureka  
Mike Schallock, Polson  
Morgan Skalsky, Polson  
Josh Thompson, Geyser  
Honorary Page Valerie Kutsch, Bozeman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/17/2003

Correctly printed: **SB 24, SB 103, SB 121, SB 131, SB 137, SB 229, SB 257.**

Correctly engrossed: **HB 363, HB 569, HB 721, SB 65, SB 146.**

Correctly enrolled: **HB 71, HB 89, HB 142, HB 144, HB 178, HB 212, HB 264, HJR 21.**

Examined by the sponsor and found to be correct: **HB 378.**

Delivered to the Governor for approval at 9:20 a.m., March 17, 2003: **HB 49, HB 72, HB 79, HB 135, HB 198, HB 325, HB 326, HB 378, HB 427.**

Delivered to the Governor for approval at 10:25 a.m., March 17, 2003: **HB 117, HB 166, HB 450, HB 542.**

Delivered to the Secretary of State at 11:11 a.m., March 14, 2003: **HB 16.**

Delivered to the Secretary of State at 10:25 a.m., March 17, 2003: **HJR 13.**

**APPROPRIATIONS** (Lewis, Chairman):

3/17/2003

**HB 602**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "ESTABLISHING" on line 4 through "VEHICLES;" on line 5

2. Title, page 1, line 8.

**Strike:** "AN INTERIM LEGISLATIVE"

**Insert:** "THE REVENUE AND TRANSPORTATION INTERIM"

3. Page 1, line 12.

**Strike:** "Moratorium on vehicle"

**Insert:** "Vehicle"

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4. Page 1, line 12 through line 16.

**Strike:** "(a)" on line 12 through "(2)" on line 16

**Renumber:** subsequent subsection

5. Page 1, line 20.

**Following:** "destination."

**Insert:** "The guideline must include stringent limitations on the use of personal vehicles at state expense, including a requirement that employees accept substitute vehicles when requested vehicles are not available."

6. Page 1, line 21.

**Strike:** "appropriate legislative"

**Insert:** "revenue and transportation"

7. Page 1, line 23.

**Strike:** "Subsections (1) and (2) apply"

**Insert:** "Subsection (1) applies"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 604**, introduced bill, be amended as follows:

1. Page 3, line 23.

**Strike:** "as follows"

**Insert:** "in the following order"

2. Page 3, line 24 through line 25.

**Following:** "2004"

**Strike:** " "

**Insert:** " (A) "

**Following:** "fund"

**Strike:** "and all of the remaining proceeds"

**Insert:** " (B) \$3.141 million"

**Following:** "20-9-542; and"

**Insert:** " (C) all of the remaining proceeds to the state general fund; and"

3. Page 3, line 26 through line 27.

**Following:** "2004"

**Strike:** " "

**Insert:** " (A) "

**Following:** "fund"

**Strike:** "and all of the remaining proceeds"

**Insert:** " (B) \$3.085 million"

**Following:** "20-9-542"

**Insert:** " (C) all of the remaining proceeds to the state general fund"

4. Page 8, line 25.

**Strike:** "as follows"

**Insert:** "in the following order"

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5. Page 8, line 26.

**Strike:** "and"

6. Page 8, line 27.

**Strike:** "all of the remaining proceeds"

**Insert:** "\$3.085 million"

**Following:** "20-9-542;"

**Insert:** "and"

7. Page 8, following line 27.

**Insert:** "(iii) all of the remaining proceeds to the state general fund;"

And, as amended, do pass. Report adopted.

**HB 722**, introduced bill, be amended as follows:

1. Page 2, line 11.

**Strike:** "5.5%"

**Insert:** "5%"

2. Page 6, line 7 through line 8.

**Strike:** "health" on line 7 through "payment" on line 8

**Insert:** "prevention and stabilization"

3. Page 6, line 12 through 15.

**Strike:** section 15 in its entirety

**"NEW SECTION. Section 15. Appropriation.** The following money is appropriated to the department of public health and human services:

(1) from the general fund for the payment of the utilization fees created in [section 2]:

Fiscal year 2003 \$426,018

Fiscal year 2004 \$917,585

Fiscal year 2005 \$922,466

(2) from the state special revenue account in [section 14] for the purposes of financing, administering, and providing health and human services:

Fiscal year 2003 \$298,213

Fiscal year 2004 \$642,039

Fiscal year 2005 \$645,726

(3) from federal special revenue for the purposes of financing, administering, and providing health and human services:

Fiscal year 2003 \$1,114,118

Fiscal year 2004 \$2,364,548

Fiscal year 2005 \$2,394,823"

And, as amended, do pass. Report adopted.

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**BUSINESS AND LABOR** (McKenney, Chairman):

3/17/2003

**SB 28**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 115**, be amended as follows:

1. Title, line 8.

**Following:** "CENTER."

**Insert:** "FOR THE GROWTH THROUGH AGRICULTURE PROGRAM,"

2. Title, line 10.

**Strike:** "AND"

3. Title, line 11.

**Following:** "ENHANCEMENT"

**Insert:** ", AND FOR RESEARCH AND COMMERCIALIZATION PROJECTS"

4. Page 4, line 7.

**Strike:** "subsection (7)(b)"

**Insert:** "subsections (7)(b) and (7)(c)"

5. Page 4, following line 12.

**Insert:** "(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;"

**Renumber:** subsequent subsection

6. Page 4, line 16.

**Strike:** "\$400,000"

**Insert:** "\$425,000"

7. Page 4, line 19.

**Strike:** "\$175,000"

**Insert:** "\$300,000"

And, as amended, be concurred in. Report adopted.

**SB 143**, be amended as follows:

1. Title, line 9.

**Following:** "AUDITOR;"

**Insert:** "REQUIRING THE NOTICE TO DONORS TO INCLUDE A STATEMENT OF WHETHER THE CHARITABLE ORGANIZATION HAS EVER INITIATED A LAWSUIT AGAINST A FEDERAL OR STATE GOVERNMENTAL AGENCY;"

2. Page 2, following line 17.

**Insert:** "(3) The notice required by this section must include a statement informing the donor of whether the charitable organization has ever initiated a lawsuit against a federal or state governmental agency."

And, as amended, be concurred in. Report adopted.

**SB 172**, be concurred in and be placed on the consent calendar. Report adopted.

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**SB 180**, be concurred in. Report adopted.

**SB 188**, be concurred in. Report adopted.

**SB 216**, be concurred in. Report adopted.

**SB 226**, be amended as follows:

1. Title, line 7.

**Following:** "THAT"

**Insert:** "AN ARREST FOR"

**Following:** "DRUG"

**Strike:** "AND"

**Insert:** "OR"

2. Page 1, line 25.

**Strike:** ", including but not limited to"

**Insert:** "by any of the following"

3. Page 3, line 29.

**Strike:** ", including but not limited to"

**Insert:** "by any of the following"

4. Page 5, line 8.

**Following:** "INJURED,"

**Insert:** "as evidenced by the tenant being arrested for or charged with an act that violates the provisions of 70-24-321(3),"

And, as amended, be concurred in. Report adopted.

**EDUCATION** (Andersen, Chairman):

3/17/2003

**SB 76**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "AN"

**Insert:** "A CONTINGENT"

2. Page 5, line 16.

**Insert:** "NEW SECTION. Section 3. Notification of code commissioner required. The office of public instruction shall provide the code commissioner with written verification of the date by which congress, in the reauthorization of the Individuals With Disabilities Education Act, requires states to implement the changes required by reauthorization."

3. Page 5, line 17.

**Strike:** "Effective"

**Insert:** "Contingent effective"

**Strike:** "July 1, 2003"

**Insert:** "on the date by which congress, in the reauthorization of the Individuals With Disabilities Education Act, requires all states to implement the changes required by reauthorization"

And, as amended, be concurred in. Report adopted.

**SJR 3**, be concurred in and be placed on the consent calendar. Report adopted.

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**STATE ADMINISTRATION** (Barrett, Chairman):  
**SB 413**, be concurred in. Report adopted.

3/17/2003

**MESSAGES FROM THE SENATE**

**House bill** returned to the House under Joint Rule 40-70:

3/10/2003

**HB 327**, introduced by Harris

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/2003

**HB 134**, introduced by Weiss

**MESSAGES FROM THE GOVERNOR**

March 14, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 59** sponsored by Representative Erickson and **House Bill 106** sponsored by Representative Erickson on March 14, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 17, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 36** sponsored by Representative Lawson, **House Bill 45** sponsored by Representative Lawson, **House Bill 65** sponsored by Representative Matthews, **House Bill 149** sponsored by Representative Hedges, **House Bill 353** sponsored by Representative Laszloffy et al., and **House Bill 364** sponsored by Representative Bergren et al. on March 17, 2003.

Sincerely,

JUDY MARTZ



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Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 754**, introduced by Jacobson, Cohenour, Harris, Raser, referred to Taxation.

**HB 755**, introduced by Wanzenried, Gutsche, Harris, Laslovich, referred to Taxation.

Representative Gallik present at this time.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 20** - Representative R. Brown moved consideration of **SJR 20** be passed for the day. Motion carried.

**HB 154 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 154** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Forrester, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 156 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 156** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 305 - Senate Amendments** - Representative Peterson moved Senate amendments to **HB 305** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Franklin, Golie.  
Total 3

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 9 - Senate Amendments** - Representative Smith moved Senate amendments to **HJR 9** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Malcolm.  
Total 1

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**HB 120** - Representative Lenhart moved **HB 120** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 56

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jayne, Kasten, Lake, Lambert, Lange, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 44

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Lindeen assumed the chair.

**HB 550** - Representative B. Ryan moved **HB 550** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 57

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Forrester, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren, Bookout-Reinicke.

Total 2

Representative Bergren reassumed the chair.

**SB 107** - Representative Brueggeman moved **SB 107** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 87

Noes: Balyeat, D. Brown, R. Brown, Buzzas, Kasten, Laszloffy, Lewis, Sales, Stoker, Wagman, Mr. Speaker.

Total 11

Voted Absentee: Forrester, Aye.

Excused: None.

Total 0

Absent or not voting: Lindeen, Wanzenried.

Total 2

**SB 118** - Representative Devlin moved **SB 118** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis,

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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Bixby, D. Brown, R. Brown, Everett, Fuchs, Gillan, Jayne, Juneau, Kasten, Laszloffy, Maedje, Malcolm, Pattison, Sinrud, Thomas.

Total 16

Voted Absentee: Forrester, Aye.

Excused: None.

Total 0

Absent or not voting: Lindeen, Sales.

Total 2

**SB 98** - Representative Raser moved **SB 98** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Franklin, Galvin-Halcro, Golie, Mendenhall.

Total 4

Voted Absentee: Forrester, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 110** - Representative Windy Boy moved **SB 110** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss,

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Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 90

Noes: Andersen, Balyeat, Everett, Fuchs, Jackson, Sales, Sinrud.  
Total 7

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae, Golie, Witt.  
Total 3

**SB 160** - Representative Windy Boy moved **SB 160** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Everett, Fisher, Hawk, Laszloffy, Malcolm, Sales, Sinrud, Wanzenried.  
Total 9

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: Peterson, Raser.  
Total 2

**SB 253** - Representative P. Clark moved **SB 253** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

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Noes: D. Brown, Hedges, Kaufmann, Maedje.  
Total 4

Voted Absentee: Forrester, Aye.

Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Golie, Parker, Sales.  
Total 4

Excused: Forrester.  
Total 1

Absent or not voting: Juneau.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 102** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 98

Noes: None.

Total 0

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**SB 238** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**HJR 2** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Bergren, Bixby, P. Clark, Dowell, Gallik, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Lawson, Lindeen, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 20

Excused: Forrester.

Total 1



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Absent or not voting: Ryan.  
Total 1

**SB 70** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Jent, Shockley.  
Total 2

Excused: Forrester.  
Total 1

Absent or not voting: Ryan.  
Total 1

**SB 108** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Jayne, Sales.  
Total 3

Excused: Forrester.  
Total 1

Absent or not voting: Ryan.  
Total 1

**SB 109** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, R. Brown, Laszloffy, Sales, Shockley.

Total 5

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**SB 122** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Buzzas, Erickson, Gutsche, Harris, Kaufmann.

Total 5

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**SB 128** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

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Noes: Jayne, Juneau, Malcolm, Rice, Sales, Windy Boy.  
Total 6

Excused: Forrester.  
Total 1

Absent or not voting: Ryan.  
Total 1

**SB 141** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Jayne, Rice, Windy Boy.  
Total 3

Excused: Forrester.  
Total 1

Absent or not voting: Ryan.  
Total 1

**SB 190** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester.  
Total 1

Absent or not voting: Ryan.

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Total 1

**SB 202** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Jackson, Lake, Malcolm.

Total 3

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**SB 221** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 86

Noes: Erickson, Gutsche, Harris, Jayne, Jent, Kaufmann, Lawson, Malcolm, Rome, Sales, Sinrud, Mr. Speaker.

Total 12

Excused: Forrester.

Total 1

Absent or not voting: Ryan.

Total 1

**MOTIONS**

Representative R. Brown moved **SJR 20** be taken from second reading today and be rereferred to the Committee on Education. There being no objection, so ordered.

Representative R. Brown moved **HB 550** be taken from third reading today and be rereferred to the Committee on

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Appropriations. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 41

Excused: Forrester.  
Total 1

Absent or not voting: Bookout-Reinicke, Gallus, Juneau, Ryan.  
Total 4

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, March 18, 2003. Motion carried.

House adjourned at 2:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 18, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Haines. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/18/2003

Correctly printed: **SB 28, SB 172, SB 180, SB 188, SB 216, SB 413.**

Correctly engrossed: **HB 602, HB 604, HB 663, HB 722, SB 13, SB 76, SB 115, SB 143, SB 159, SB 226.**

Examined by the sponsor and found to be correct: **HB 71, HB 89, HB 142, HB 144, HB 178, HB 212, HB 264, HJR 21.**

Signed by the Speaker at 2:25 p.m., March 17, 2003: **HB 71, HB 89, HB 142, HB 144, HB 178, HB 212, HB 264, HJR 21.**

Delivered to the Governor for approval at 12:40 p.m., March 18, 2003: **HB 71, HB 89, HB 142, HB 144, HB 178, HB 212, HB 264.**

Delivered to the Secretary of State at 11:08 a.m., March 18, 2003: **HJR 21.**

**EDUCATION** (Andersen, Chairman): 3/18/2003

**SB 307**, be concurred in and be placed on the consent calendar. Report adopted.

**SJR 2**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/17/2003

**SB 220**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 3/14/2003

**SB 100**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 104**, be concurred in and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/18/2003

**SB 13**, be amended as follows:

1. Page 7, line 2.

**Insert:** "NEW SECTION. Section 7. Code commissioner instruction. The code commissioner is authorized and instructed to change "0.10" to "0.08" in any legislation enacted by the 2003 legislature that contains a reference to an alcohol concentration of 0.10 in a person's body."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 663**, be amended as follows:

1. Title, page 1, line 22.

**Following:** "AUTHORITY;"

**Insert:** "CLARIFYING THE CALCULATION OF AMOUNTS THAT MAY BE WITHDRAWN FROM QUALIFYING

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ESCROW ACCOUNTS;"

**Strike:** "SECTION"

**Insert:** "SECTIONS 16-11-403 AND"

2. Page 5, line 6 through line 17.

**Strike:** "The" on line 6 through end of line 17

**Insert:** "The attorney general shall post in the directory and transmit by electronic mail and certified mail, return receipt requested, to each wholesaler notice of the intended removal from the directory of a tobacco product manufacturer or brand family no less than 30 days prior to the removal. During that period, cigarettes of the tobacco product manufacturer or brand family subject to the notice are contraband under 16-11-147 and the affixing of tax insignia to or the sale or possession for sale of the cigarettes is unlawful as provided in [section 5], except that, notwithstanding the provisions of 16-11-147 and [section 5]:

(a) a wholesaler may affix tax insignia to, possess for sale, or sell at wholesale cigarettes of any tobacco product manufacturer or brand family subject to notice of removal under this subsection (4) if the cigarettes were shipped to the wholesaler on or before the date of issuance of the notice and if the total number of the cigarettes sold by the wholesaler following issuance of the notice of removal and prior to reinstatement of the tobacco product manufacturer or brand family in the directory does not exceed a number that is the average of the number of cigarettes of the tobacco product manufacturer or brand family sold by the wholesaler during each of the 3 months preceding the issuance of the notice; and

(b) a licensed seller at retail may possess and sell cigarettes of a tobacco product manufacturer or brand family that the attorney general has removed from the directory or that is subject to notice of removal if the cigarettes were lawfully shipped to the retailer before the issuance of the notice of removal or after the issuance of notice of removal but before the attorney general removes the tobacco product manufacturer or brand family from the directory. A contract with a tobacco product manufacturer that has been removed from the directory that purports to require, contemplate, or provide for delivery of cigarettes or tobacco products in any applicable brand family after the date of removal from the directory is not valid or enforceable."

3. Page 5, line 22.

**Strike:** "(1)"

4. Page 5, line 23.

**Strike:** "(a)"

**Insert:** "(1)"

5. Page 5, line 25.

**Strike:** "(b)"

**Insert:** "(2)"

6. Page 5, line 27 through line 29.

**Strike:** subsection (2) in its entirety

7. Page 9, line 2.

**Following:** "control."

**Insert:** "Except as specifically provided in [sections 1 through 12], the provisions of [sections 1 through 12] are not intended to and may not be interpreted to override the provisions of 16-11-401 through 16-11-403."

8. Page 9, line 17.

**Insert:** "Section 14. Section 16-11-403, MCA, is amended to read:

**"16-11-403. Requirements.** Any tobacco product manufacturer selling cigarettes to consumers within the State

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(whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(1) become a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(2) (a) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation) --

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(b) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (a) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances-

(i) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (A) in the order in which they were placed into escrow and (B) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(ii) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment) Master Settlement Agreement payments, as determined pursuant to section IX(i) of that Agreement, including a final determination of all adjustments, that the manufacturer would have been required to make on account of those units had it been a participating manufacturer Participating Manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(iii) to the extent not released from escrow under subparagraphs (i) or (ii), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(c) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall-

(i) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(ii) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(iii) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years. Each failure to make an annual deposit required under this section shall constitute a separate violation.""

**Renumber:** subsequent sections



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9. Page 10, line 22.

**Strike:** "If"

**Insert:** "(1) Except as provided in subsection (2), if"

10. Page 10, line 25.

**Insert:** "(2) If any part of the amendment to 16-11-403(2)(b)(ii) made by [section 14] is invalid, then 16-11-403(2)(b)(ii) is void in its entirety. If the voiding of 16-11-403(2)(b)(ii) is thereafter declared invalid, then [section 14] is void and 16-11-403(2)(b)(ii) is restored as it read on the day prior to [the effective date of this act]. If 16-11-403(2)(b)(ii) is voided under this section or is declared invalid, all other portions of 16-11-403 remain in effect in all valid applications that are severable from the voided or invalid applications."

11. Page 11, line 11.

**Strike:** "14"

**Insert:** "15"

And, as amended, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/18/2003

**SB 159**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ORGANIZATION"

**Insert:** "OR A GOVERNMENT ENTITY"

2. Page 1, line 14.

**Following:** "501(c)(3)"

**Insert:** "or to a government entity"

**Following:** "IF"

**Insert:** ":

(a)"

3. Page 1, line 15.

**Following:** "2000"

**Insert:** "; and

(b) the property is directly used for purely public charitable purposes"

And, as amended, be concurred in. Report adopted.

**SB 162**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bill** concurred in:

3/17/2003

**SB 75**, introduced by Stapleton

**SB 47** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 47**:

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Senator Gebhardt, Chair  
Senator Esp  
Senator Wheat

**House bills** concurred in and returned to the House:

3/17/2003

**HB 32**, introduced by Golie  
**HB 55**, introduced by Facey  
**HB 97**, introduced by Jent  
**HB 126**, introduced by Fritz  
**HB 164**, introduced by Callahan  
**HB 180**, introduced by E. Clark  
**HB 215**, introduced by Brueggeman  
**HB 240**, introduced by Shockley  
**HB 250**, introduced by Morgan  
**HB 280**, introduced by Wanzenried  
**HB 455**, introduced by Lake  
**HB 490**, introduced by Buzzas  
**HB 493**, introduced by Branae  
**HB 552**, introduced by B. Ryan  
**HB 562**, introduced by Ballantyne

**House joint resolutions** concurred in and returned to the House:

3/17/2003

**HJR 15**, introduced by Wagman  
**HJR 19**, introduced by Raser

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/17/2003

**HB 76**, introduced by McKenney  
**HB 98**, introduced by McKenney  
**HB 152**, introduced by Fisher  
**HB 170**, introduced by Parker  
**HB 171**, introduced by Parker  
**HB 299**, introduced by Peterson  
**HB 333**, introduced by Waitschies  
**HB 428**, introduced by Keane

**Governor's amendments to House bill** concurred in and returned to the House:

3/17/2003

**HB 311**, introduced by Stoker

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 36**, introduced by Pattison, Andersen, Anderson, Bales, Balyeat, Barkus, Barrett, Bitney, Black, Bohlinger, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Butcher, E. Clark, Curtiss, DePratu, Devlin, Dickenson, Esp,

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Everett, Fisher, Fuchs, Gebhardt, Gillan, Glaser, Golie, Grimes, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Johnson, Kasten, Kaufmann, Keenan, Kitzenberg, Laible, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Lindeen, Maedje, Mahlum, Malcolm, McGee, McNutt, Mendenhall, Mood, Morgan, Nelson, O'Neil, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schmidt, Schrumpf, Sinrud, Sprague, Stapleton, Steinbeisser, Stoker, Story, Tash, Taylor, Tester, B. Thomas, F. Thomas, Tropila, Wagman, Waitschies, Weiss, Witt, Younkin, Zook, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hawk in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 363** - Representative R. Brown moved **HB 363** do pass.

Representative Cohenour made a **substitute motion** that consideration of **HB 363** be passed for the day. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Musgrove, Newman, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 363** do pass carried as follows:

Ayes: Andersen, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 60

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Noes: Ballantyne, Balyeat, Barrett, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Lindeen, Maedje, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 569** - Representative Gutsche moved **HB 569** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 82

Noes: Andersen, Balyeat, Everett, Fisher, Hedges, Jackson, Laszloffy, A. Olson, Ripley, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Witt, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 721** - Representative R. Brown moved consideration of **HB 721** be passed for the day. Motion carried.

**SB 65** - Representative Waitschies moved **SB 65** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 83** - Representative Waitschies moved **SB 83** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Becker, Bixby, Buzzas, Carney, Cohenour, Dowell, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Juneau, Laslovich, Wanzenried, Wilson.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 103** - Representative Lange moved **SB 103** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**SB 121** - Representative Devlin moved **SB 121** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Balyeat, Wanzenried.

Total 2

**SB 131** - Representative Sinrud moved **SB 131** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Everett, Jayne, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 137** - Representative Everett moved **SB 137** be concurred in.

Representative Younkin moved **SB 137**, second reading copy, be amended as follows:

1. Page 1, line 15 through line 16.

**Strike:** ", AS" on line 15 through "676," on line 16

2. Page 1, line 17.

**Following:** "state"

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**Insert:** "trust"

3. Page 1, line 21.

**Following:** "state"

**Insert:** "trust"

4. Page 1, line 30.

**Following:** "state"

**Insert:** "trust"

5. Page 2, line 14.

**Following:** "state" in both places on line 14

**Insert:** "trust" in both places

6. Page 2, line 25.

**Following:** "State"

**Insert:** "trust"

7. Page 2, line 28.

**Following:** "state"

**Insert:** "trust"

8. Page 2, line 30.

**Following:** "state"

**Insert:** "trust"

9. Page 3, line 5.

**Following:** "state"

**Insert:** "trust"

10. Page 3, line 7.

**Following:** "state"

**Insert:** "trust"

11. Page 5, line 14.

**Following:** "state"

**Insert:** "trust"

12. Page 5, line 18.

**Following:** "state"

**Insert:** "trust"

13. Page 5, line 19.

**Following:** "state"

**Insert:** "trust"

14. Page 5, line 25.

**Following:** "state"

**Insert:** "trust"

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15. Page 5, line 26.

**Following:** "state"

**Insert:** "trust"

16. Page 6, line 3.

**Following:** "state"

**Insert:** "trust"

17. Page 6, line 6.

**Following:** "state"

**Insert:** "trust"

18. Page 6, line 9.

**Following:** "state"

**Insert:** "trust"

19. Page 6, line 10.

**Following:** "state"

**Insert:** "trust"

20. Page 6, line 15.

**Following:** "parks"

**Insert:** "trust"

21. Page 6, line 24.

**Following:** "state"

**Insert:** "trust"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Callahan, Hawk, Matthews, Morgan.

Total 4



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Motion that **SB 137**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Gillan, Morgan.

Total 2

**SB 257** - Representative Harris moved **SB 257** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 25** - Representative Raser moved **SJR 25** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker,

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Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, D. Brown, Fuchs, Jayne, Jent, Kasten, Laslovich, Malcolm, B. Olson, Pattison, Rice, Ripley, Shockley, Sinrud, Stoker, Windy Boy.

Total 17

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hawk moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallus, Gibson, Golie, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Carney, Cohenour, Dowell, Franklin, Fuchs, Gallik, Galvin-Halcro, Gutsche, Harris, Lindeen, Wanzenried, Weiss.

Total 13

Excused: None.

Total 0

Absent or not voting: Gillan, Hawk.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 132**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews,

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McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**SB 139**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**SB 173**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**HB 120** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, Devlin, Everett, Fuchs, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Laszloffy, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Rice, Ripley, Sales, Shockley, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**HB 154, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**HB 156, as amended by the Senate,** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**HB 305, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Golie.

Total 1

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**HJR 9, as amended by the Senate, adopted as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**SB 98** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Franklin, Galvin-Halcro, Golie, McKenney, Mendenhall, Wilson.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**SB 107** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 86

Noes: Balyeat, D. Brown, R. Brown, Fuchs, Kasten, Lange, Laszloffy, Lewis, Morgan, Sales, Shockley, Mr. Speaker.  
Total 12

Excused: None.  
Total 0

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Absent or not voting: Hawk, Parker.  
Total 2

**SB 110** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, Everett, Fuchs, Jackson, Kasten, Lake, Laszloffy, Sales, Sinrud.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**SB 118** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 80

Noes: Bixby, D. Brown, R. Brown, Everett, Forrester, Fuchs, Galvin-Halcro, Gutsche, Jayne, Juneau, Laszloffy, Maedje, Malcolm, Morgan, Ripley, Shockley, Sinrud, Thomas, Mr. Speaker.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**SB 160** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Everett, Hawk, Malcolm, Sales, Sinrud, Wanzenried.

Total 6

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**SB 253** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Kaufmann, Maedje.

Total 2

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on **SB 47**. Motion carried.

The Speaker appointed the following members:

Representative Mendenhall, Chair  
Representative Morgan  
Representative Cyr



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Representative Wanzenried moved to suspend the rules for the late introduction of a House Resolution. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker led the House in singing Happy Birthday to Representative Lake.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, March 19, 2003. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 19, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schrumpf. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/19/2003

Correctly printed: **SB 100, SB 104, SB 162, SB 220, SB 307, SJR 2.**

Correctly enrolled: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**

Examined by the sponsor and found to be correct: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**

**APPROPRIATIONS** (Lewis, Chairman): 3/18/2003

**HB 558**, introduced bill, be amended as follows:

1. Page 3.

**Following:** line 5

**Insert:** "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved, then [section 2 of this act] is amended to read:

**"Section 2.** Section 23-2-615, MCA, is amended to read:

**"23-2-615. Nonresident temporary-use permits -- use of fees.** (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

(i) the applicant's name and permanent address; and

~~(ii) the make, model, year, and serial number of the snowmobile; and~~

~~(iii)~~(ii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of ~~\$6~~ \$15, of which 50 cents is a search and rescue surcharge, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be ~~displayed~~ permanently affixed in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid ~~for a consecutive 30-day period as designated by the permit~~ during the fiscal year in which it is issued.

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) (a) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(b) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that will be used only on trails that are managed jointly by agreement between Montana and another state.

(5) ~~All money~~ Except as provided in subsection (1)(b), money collected by payment of fees under this section must be ~~remitted to the department of revenue and deposited in the state general fund~~ special revenue fund to the credit of the department and used as follows:

(a) \$8 must be expended in areas that are impacted by nonresident snowmobile use to assist in offsetting snowmobile trail grooming costs;

(b) \$1.50 must be used by the department for the enforcement of snowmobile laws pursuant to 23-2-641;

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(c) 50 cents must be remitted to the license agent who sold the nonresident temporary-snowmobile-use permit;  
and

(d) \$4.50 must be used by the department for the statewide snowmobile trail grooming program.

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100. ""

And, as amended, do pass. Report adopted.

**HB 628**, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

**Strike:** "STATE" on line 7 through "COMMISSION" on line 8

**Insert:** "GENERAL LICENSE"

**Strike:** "FOR" on line 8 through "CONSERVATION" on line 9

**Insert:** "AND FEDERAL SPECIAL REVENUE"

**Strike:** "PROJECTS" on line 9

**Insert:** "PROJECT"

2. Title, line 10.

**Following:** "APPROPRIATION"

**Insert:** "TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

**Strike:** "AMENDING" through "MCA;"

3. Page 1, line 15 through page 2, line 2.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Oki Mamii grant authorized. The department may spend money appropriated by the legislature from the general license account provided for in 87-1-601 and federal special revenue to fund the Oki Mamii grant to teach in the areas of water conservation and improving fish habitat on the Blackfeet reservation."

4. Page 2, line 4 through line 6.

**Strike:** "from" on line 4 through "appropriation" on line 6

**Insert:** "to the department of fish, wildlife, and parks"

5. Page 2, line 6.

**Following:** "project,"

**Insert:** "the"

6. Page 2, line 7 through line 9.

**Following:** "habitat" on line 7

**Insert:** ":

(1) \$5,000 from the general license account provided for in 87-1-601; and

(2) \$15,000 from federal special revenue"

**Strike:** "The" on line 7 through "account." on line 9

**Following:** line 9

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 1]."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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**HB 685**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "CHILD-CARE" through "CENTER"  
**Insert:** "CERTAIN FACILITY"
2. Page 1, line 10 through line 11.  
**Strike:** "CHILD-CARE" on line 10 through "center" on line 11  
**Insert:** "facility"
3. Page 1, line 17.  
**Strike:** "CHILD-CARE" through "CENTER"  
**Insert:** "facility"
4. Page 1, line 17 through line 18.  
**Following:** "STATE" on line 17  
**Strike:** remainder of line 17 through "SERVICES" on line 18
5. Page 1, line 19.  
**Strike:** "CHILD-CARE" through "center"  
**Insert:** "facility"
6. Page 1, line 20.  
**Strike:** "CHILD-CARE" through "center's"  
**Insert:** "facility's"
7. Page 1, line 22 through line 23.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsections
8. Page 1, line 24.  
**Strike:** "CHILD-CARE" through "center's"  
**Insert:** "facility's"
9. Page 1, line 28 through line 29.  
**Strike:** "CHILD-CARE" on line 28 through "center" on line 29  
**Insert:** "facility"

And, as amended, do pass. Report adopted.

**HB 705**, introduced bill, be amended as follows:

1. Page 2, line 8.  
**Following:** "Appropriation."  
**Insert:** "(1)"
2. Page 2, line 13 through line 14.  
**Strike:** line 13 through line 14 in their entirety

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3. Page 2, line 17 through line 18.

**Strike:** line 17 through line 18 in their entirety

4. Page 2, line 19.

**Insert:** "(2) The following money is appropriated to the department of public health and human services for increases in medicaid payments to nursing facilities:

Fiscal year 2004

Federal special revenue fund               \$ 9,404,218

Fiscal year 2005

Federal special revenue fund               \$13,587,608"

And, as amended, do pass. Report adopted.

**HB 726**, do pass. Report adopted.

**HB 741**, do pass. Report adopted.

**HB 743**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "CENTER;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 2, line 19.

**Strike:** "health" through "payment"

**Insert:** "prevention and stabilization"

3. Page 2, line 23.

**Following:** line 22

**Insert:** "NEW SECTION. Section 3. Appropriation. The following money is appropriated to the department of public health and human services:

(1) from the general fund for the payment of the utilization fees provided for in 15-60-102:

Fiscal year 2004   \$71,540

Fiscal year 2005   71,540

(2) from the state special revenue account in [section 14 of House Bill No. 722] for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004   \$ 50,078

Fiscal year 2005   50,078

(3) from federal special revenue for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004   \$186,713

Fiscal year 2005   183,377"

**Insert:** "NEW SECTION. Section 4. Contingent appropriation. If House Bill No. 705 is passed and approved, [section 3 of this act] is void and the following money is appropriated to the department of public health and human services:

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(1) from the general fund for the payment of the utilization fees provided for in 15-60-102:

Fiscal year 2004 \$114,975

Fiscal year 2005 135,415

(2) from the state special revenue account in [section 14 of House Bill No. 722] for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$80,483

Fiscal year 2005 94,791

(3) from federal special revenue for the purposes of financing, administering, and providing health and human services:

Fiscal year 2004 \$300,076

Fiscal year 2005 347,108"

**Renumber:** subsequent sections

4. Page 2, line 25.

**Strike:** "[section 2 of this act] is"

**Insert:** "[sections 2 through 4 of this act] are"

And, as amended, do pass. Report adopted.

**HB 744**, introduced bill, be amended as follows:

1. Page 3, line 22.

**Strike:** "Subject to [section 2], medical"

**Insert:** "Medical"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/18/2003

**SB 230**, be amended as follows:

1. Page 2, line 16.

**Following:** "exception."

**Insert:** "(1)"

**Strike:** "In"

**Insert:** "Subject to subsection (2), in"

2. Page 2, line 19.

**Following:** line 18

**Insert:** "(2) If trust assets include farm or ranch property, a closely held family business, timber interests, or interests in oil, gas, or minerals, the trustee may elect to retain those assets unless otherwise directed by a majority of adult trust beneficiaries. A trustee's exercise of discretion to retain assets of the character described in this subsection is not a breach of the trustee's duty to diversify investments."

And, as amended, be concurred in. Report adopted.

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**SB 231**, be amended as follows:

1. Page 14, line 23.

**Strike:** "90% "

**Insert:** "15% "

2. Page 14, line 25.

**Strike:** "90% "

**Insert:** "15% "

3. Page 14, line 28.

**Strike:** "90% "

**Insert:** "15% "

And, as amended, be concurred in. Report adopted.

**SB 241**, be concurred in. Report adopted.

**SB 249**, be concurred in. Report adopted.

**SB 254**, be concurred in. Report adopted.

**SB 292**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 341**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/19/2003

**SB 114**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 211**, be concurred in and be placed on the consent calendar. Report adopted.

**SJR 26**, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/19/2003

**SB 408**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

3/18/2003

**SB 460**, introduced by Story

**House amendments to Senate bills** concurred in:

3/18/2003

**SB 26**, introduced by Mangan

**SB 36**, introduced by Grimes

**House bills** concurred in and returned to the House:

3/18/2003

**HB 172**, introduced by Gallik

**HB 339**, introduced by Pattison

**HB 391**, introduced by Balyeat

**HB 402**, introduced by Parker

**HB 429**, introduced by Kasten

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**HB 635**, introduced by Forrester

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/18/2003

**HB 211**, introduced by Newman

**HB 350**, introduced by Cohenour

**HB 478**, introduced by Peterson

**House bill** not concurred in and returned to the House:

3/18/2003

**HB 224**, introduced by Shockley

**HB 56** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 56**:

3/18/2003

Senator Esp, Chair

Senator Cromley

Senator Stonington

**MESSAGES FROM THE GOVERNOR**

March 19, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 194** sponsored by Representative Barrett, **House Bill 392** sponsored by Representative Weiss, and **House Bill 601** sponsored by Representative Ripley on March 19, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 19, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620



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Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 87, "**AN ACT PROHIBITING THE USE OF A PUNCHCARD VOTING SYSTEM IN AN ELECTION AFTER DECEMBER 31, 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill No. 87 to provide a contingent effective date. I recommend that House Bill No. 87 be amended as follows: This act is effective on receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems. And, the Secretary of State shall notify the code commissioner of the date of receipt of the federal funds. Until such time that the money is received, House Bill No. 87 should be on hold.

I have enclosed my amendment to that effect. Please be advised that Representative Jent, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 87

1. Title, line 6.

**Strike:** "AN IMMEDIATE"

**Insert:** "A CONTINGENT"

2. Page 1, line 16.

**Strike:** "passage and approval"

**Insert:** "receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems"

**Following:** "."

**Insert:** "The secretary of state shall notify the code commissioner of the date of receipt of the federal funds."

March 19, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

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In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 408, "**AN ACT REQUIRING THE PAYMENT OF LOCAL REGISTRAR FEES TO A COUNTY DEPARTMENT IF THE LOCAL REGISTRAR IS A COUNTY EMPLOYEE; AMENDING SECTION 50-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

I recommend that House Bill No. 408 should be amended to change the word "department" in Section 1, 50-15-107(3)(b) to "county office." Currently, there is a definitional section in this part of the Code, 50-15-101(4), MCA, that defines "department" as the department of public health and human services." I trust that is not the intent of House Bill No. 408.

I have enclosed my amendment to that effect. Please be advised that Representative Peterson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 408

1. Page 1, line 19.  
**Strike:** "department"  
**Insert:** "county office"

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 756**, introduced by Kaufmann, Bixby, Black, Cohenour, Cyr, Gallik, Jent, Kitzenberg, Smith, referred to Appropriations.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 460**, introduced by Story, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 721** - Representative R. Brown moved consideration of **HB 721** be passed for the day. Motion carried.

**HB 604** - Representative Gallik moved **HB 604** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Fuchs.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 722** - Representative E. Clark moved **HB 722** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Everett, Fuchs, Hawk, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 403 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 403** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Everett, Kasten, Pattison, Sales, Sinrud, Steinbeisser.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 143** - Representative Mendenhall moved **SB 143** be concurred in.

Representative Mendenhall moved **SB 143**, second reading copy, be amended as follows:

1. Title, line 9 through line 11.

**Strike:** "REQUIRING" on line 9 through "AGENCY;" on line 11

2. Page 2, line 20 through line 21.

**Strike:** subsection (3) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Jackson, Kasten, Lange, Lewis, Maedje, A. Olson, Pattison, Ripley, Rome, Sales, Sinrud, Witt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Lawson moved **SB 143**, second reading copy, be further amended as follows:

1. Title, line 11.

**Following:** "NOTICES;"

**Insert:** "CONFORMING CHARITABLE GIFT ANNUITY LAWS TO LAWS RELATED TO DEDUCTIONS FOR

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CHARITABLE CONTRIBUTIONS AND TAX CREDITS FOR CONTRIBUTIONS TO QUALIFIED  
ENDOWMENTS; AMENDING SECTIONS 15-30-121, 15-30-165, AND 15-31-114, MCA;"

2. Title, line 12.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 3, following line 16.

**Insert:** "**Section 6.** Section 15-30-121, MCA, is amended to read:

**"15-30-121. Deductions allowed in computing net income.** (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code of 1954 (26 U.S.C. 161 and 211), or as sections 161 and 211 are labeled or amended, subject to the following exceptions, which are not deductible:

(i) items provided for in 15-30-123;

(ii) state income tax paid;

(iii) premium payments for medical care as provided in subsection (1)(g)(i);

(iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

(v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in [section 1];

(b) federal income tax paid within the tax year;

(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:

(i) expenses for household and dependent care services necessary for gainful employment incurred for:

(A) a dependent under 15 years of age for whom an exemption can be claimed;

(B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and

(C) a spouse who is unable to provide self-care because of physical or mental illness;

(ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

(A) household services that are attributable to the care of the qualifying individual; and

(B) care of an individual who qualifies under subsection (1)(c)(i);

(iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;

(iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:

(A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;

(B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:

(I) \$2,400 in the case of one qualifying individual;

(II) \$3,600 in the case of two qualifying individuals; and

(III) \$4,800 in the case of three or more qualifying individuals;

(v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over \$18,000;

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- (vi) for purposes of this subsection (1)(c):
  - (A) married couples shall file a joint return or file separately on the same form;
  - (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:
    - (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or
    - (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);
    - (C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;
    - (D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;
    - (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;
  - (d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code (now repealed) that were in effect for the tax year ended December 31, 1978;
  - (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;
  - (f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;
  - (g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:
    - (i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and
    - (ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:
      - (A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or
      - (B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;
  - (h) light vehicle registration fees, as provided for in 61-3-560 through 61-3-562, paid during the tax year; and
  - (i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

**Insert: "Section 7.** Section 15-30-165, MCA, is amended to read:

**"15-30-165. (Temporary) Qualified endowments credit -- definitions -- rules.** For the purposes of 15-30-166, the following definitions apply:

(1) Subject to subsection (3), "planned gift" means an irrevocable contribution to a permanent endowment held by a tax-exempt organization, or for a tax-exempt organization, when the contribution uses any of the following techniques that are authorized under the Internal Revenue Code:

- (a) charitable remainder unitrusts, as defined by 26 U.S.C. 664;

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- (b) charitable remainder annuity trusts, as defined by 26 U.S.C. 664;
- (c) pooled income fund trusts, as defined by 26 U.S.C. 642(c)(5);
- (d) charitable lead unitrusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (e) charitable lead annuity trusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (f) charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (g) deferred charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (h) charitable life estate agreements qualifying under 26 U.S.C. 170(f)(3)(B);
- (i) paid-up life insurance policies meeting the requirements of 26 U.S.C. 170.

(2) (a) "Qualified endowment" means a permanent, irrevocable fund that is held by a Montana incorporated or established organization that:

- (i) is a tax-exempt organization under 26 U.S.C. 501(c)(3); or
- (ii) is a bank or trust company, as defined in Title 32, chapter 1, part 1, that is holding the fund on behalf of a tax-exempt organization.

(b) For the purposes of sections 15-30-165 through 15-30-167, the affordable housing revolving loan account established in 90-6-133 is considered to be a qualified endowment.

(3) (a) A contribution using a technique described in subsection (1)(a) or (1)(b) is not a planned gift unless the trust agreement provides that the trust may not terminate and the beneficiaries' interest in the trust may not be assigned or contributed to the qualified endowment sooner than the earlier of:

- (i) the date of death of the beneficiaries; or
- (ii) 5 years from the date of the contribution.

(b) A contribution using the technique described in subsection (1)(g) is not a planned gift unless the payment of the annuity is required to begin within the life expectancy of the annuitant or of the joint life expectancies of the annuitants, if more than one annuitant, as determined using the actuarial tables adopted by rule by the department in effect on the date of the contribution.

(c) A contribution using a technique described in subsection (1)(f) or (1)(g) is not a planned gift unless the annuity agreement provides that the interest of the annuitant or annuitants in the gift annuity may not be assigned to the qualified endowment sooner than the earlier of:

- (i) the date of death of the annuitant or annuitants; or
- (ii) 5 years after the date of the contribution.

(d) A contribution using a technique described in subsection (1)(f) or (1)(g) is not a planned gift unless the annuity is a qualified charitable gift annuity as defined in [section 1].

(4) The department shall adopt rules to prepare life expectancy tables that are derived from the actuarial tables contained in the most recent Publication 1457 by the internal revenue service. (Subsection (2)(b) terminates December 31, 2004--sec. 7, Ch. 411, L. 2001; section terminates December 31, 2007--sec. 5, Ch. 226, L. 2001.)"

**Insert: "Section 8.** Section 15-31-114, MCA, is amended to read:

**"15-31-114. Deductions allowed in computing income.** (1) In computing the net income, the following deductions are allowed from the gross income received by the corporation within the year from all sources:

(a) all the ordinary and necessary expenses paid or incurred during the taxable year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, subject to the limitation contained in this section, and rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity. A deduction is not allowed for salaries paid upon which the recipient has not paid Montana state income tax. However, when domestic corporations are taxed on income derived from outside the state, salaries of officers paid in connection with securing the income are deductible.

(b) (i) all losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear and obsolescence of property used in the trade or business. The allowance is determined according to the provisions of section 167 of the Internal Revenue Code in effect with respect to the taxable year. All elections for depreciation must be the same as the elections made for federal income tax purposes. A deduction is not allowed for any amount paid out for any buildings, permanent improvements, or

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betterments made to increase the value of any property or estate, and a deduction may not be made for any amount of expense of restoring property or making good the exhaustion of property for which an allowance is or has been made. A depreciation or amortization deduction is not allowed on a title plant as defined in 33-25-105(15).

(ii) There is allowed as a deduction for the taxable period a net operating loss deduction determined according to the provisions of 15-31-119.

(c) in the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements. The reasonable allowance must be determined according to the provisions of the Internal Revenue Code in effect for the taxable year. All elections made under the Internal Revenue Code with respect to capitalizing or expensing exploration and development costs and intangible drilling expenses for corporation license tax purposes must be the same as the elections made for federal income tax purposes.

(d) the amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived. Interest may not be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance, or improvement of property or for the conduct of business unless the income from the property or business would be taxable under this part.

(e) (i) taxes paid within the year, except the following:

(A) taxes imposed by this part;

(B) taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

(C) taxes on or according to or measured by net income or profits imposed by authority of the government of the United States;

(D) taxes imposed by any other state or country upon or measured by net income or profits.

(ii) Taxes deductible under this part must be construed to include taxes imposed by any county, school district, or municipality of this state.

(f) that portion of an energy-related investment allowed as a deduction under 15-32-103;

(g) (i) except as provided in subsection (1)(g)(ii) or (1)(g)(iii), charitable contributions and gifts that qualify for deduction under section 170 of the Internal Revenue Code, as amended.

(ii) The public service commission may not allow in the rate base of a regulated corporation the inclusion of contributions made under this subsection.

(iii) A deduction is not allowed for a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in [section 1].

(h) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) In lieu of the deduction allowed under subsection (1)(g), the taxpayer may deduct the fair market value, not to exceed 30% of the taxpayer's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(a) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(b) the property is not transferred by the donee in exchange for money, other property, or services; and

(c) the taxpayer receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in accordance with the provisions of subsection (2)(b).

(3) In the case of a regulated investment company or a fund of a regulated investment company, as defined in section 851(a) or 851(h) of the Internal Revenue Code of 1986, as that section may be amended or renumbered, there is allowed a deduction for dividends paid, as defined in section 561 of the Internal Revenue Code of 1986, as that section may be amended or renumbered, except that the deduction for dividends is not allowed with respect to dividends attributable to any income that is not subject to tax under this chapter when earned by the regulated investment company. For the purposes of computing the deduction for dividends paid, the provisions of sections 852(b)(7) and 855 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, apply. A regulated investment company is not allowed a deduction for dividends received as defined in sections 243 through 245 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered."



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**Renumber:** subsequent sections

4. Page 3, following line 22.

**Insert:** "NEW SECTION. **Section 11. Applicability.** [This act] applies to charitable contributions made after [the effective date of this act]."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, R. Brown, Everett, Kasten, Laszloffy, Lewis, Pattison, Sales, Sinrud, Waitschies.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 143**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, Barrett, Everett, Fuchs, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, Ripley, Rome, Sales, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 183** - Representative Galvin-Halcro moved **SB 183** be concurred in. Motion carried as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 75

Noes: Ballantyne, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Kasten, Lake, Laslovich, Laszloffy, Lehman, Lewis, Malcolm, Newman, Pattison, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**SB 216** - Representative Keane moved **SB 216** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SJR 24** - Representative Windy Boy moved **SJR 24** be concurred in.

Representative Windy Boy moved **SJR 24**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "URGING"

**Insert:** "REQUESTING"

**Strike:** "END" through "OF"

**Insert:** "AUTHORIZE A FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER"

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2. Title, page 6.

**Following:** "FUNDS"

**Insert:** "ALLOCATED"

3. Title, line 7.

**Strike:** "THROUGH" through "AGENCY"

4. Title, line 8.

**Strike:** "BY" through the second ", "

5. Title, line 9.

**Following:** "MONTANA'S"

**Insert:** "FEDERALLY RECOGNIZED"

**Following:** "PAYMENTS"

**Insert:** "INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY"

6. Page 1, line 21.

**Following:** "members"

**Insert:** "; and

WHEREAS, a feasibility study will enhance the ability to provide direct funding to federally recognized tribal governments in Montana and will provide for an orderly transition in federal funding practices"

7. Page 1, line 25.

**Strike:** "strongly urged"

**Insert:** "requested"

**Strike:** "end" through "of"

**Insert:** "authorize a feasibility study and demonstration project to consider"

**Following:** "funds"

**Insert:** "allocated"

8. Page 1, line 26.

**Strike:** "through" through "agency"

9. Page 1, line 27.

**Strike:** "by" through the second ", "

10. Page 1, line 28.

**Following:** "Montana's"

**Insert:** "federally recognized"

**Following:** "payments"

**Insert:** "instead of transferring funds through a state agency"

**Following:** line 28

**Insert:** "BE IT FURTHER RESOLVED, that the feasibility study consider the following issues associated with changing payment methods to make direct payments to Montana's federally recognized tribal governments:

- (1) the probable effects on specific programs and program beneficiaries;
- (2) statutory, regulatory, or other impediments;
- (3) probable costs or savings; and
- (4) other issues identified in consultation with Montana's federally recognized tribal governments.

BE IT FURTHER RESOLVED, that the feasibility study focus on the development of a direct funding

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demonstration project for appropriate federal programs, services, functions, and activities of various federal agencies.

BE IT FURTHER RESOLVED, that the feasibility study and demonstration project be implemented jointly by the State of Montana, the federal government, and Montana's federally recognized Indian tribes through government-to-government consultation."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Fuchs, Malcolm.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SJR 24**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Fuchs, Hedges, Lake, Malcolm, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Buzzas, Franklin, Fuchs, Gillan, Golie.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 84**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**SB 146**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher,

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Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Bergren, Bixby, P. Clark, Cohenour, Franklin, Galvin-Halcro, Kaufmann, Parker, Raser, Small-Eastman, Smith, Weiss, Windy Boy.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 229**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 363** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Dickenson, Everett, Fuchs, Gallus, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Balyeat, Barrett, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dowell, Erickson, Facey, Fisher,

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Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Jayne, Jent, Juneau, Lambert, Lindeen, Maedje, Newman, Parker, Raser, Sales, Small-Eastman, Wanzenried, Wilson.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 569** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 82

Noes: Balyeat, Everett, Fisher, Hawk, Hedges, Jackson, Laszloffy, A. Olson, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Witt, Mr. Speaker.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 65** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 83** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Bixby, Buzzas, Carney, Cohenour, Dowell, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Juneau, Laslovich, Wanzenried.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 103** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Buzzas.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 121** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,



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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 131** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Laszloffy, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 257** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 25** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, Fuchs, Jayne, Jent, Kasten, Laslovich, Malcolm, B. Olson, Rice, Ripley, Sales, Shockley, Sinrud, Stoker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on **HB 403**. Motion carried.

The Speaker appointed the following members:

Representative Steinbeisser, Chair  
Representative Lange  
Representative Keane

Representative R. Brown moved to pass consideration on **HB 721** until Legislative Day 62. There being no objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, March 20, 2003. Motion carried.

House adjourned at 2:23 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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Helena, Montana  
March 20, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Thomas. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-third, fifty-fourth, fifty-fifth, and fifty-sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/19/2003

Correctly printed: **HB 726, HB 741, SB 114, SB 211, SB 241, SB 249, SB 254, SB 292, SB 341, SB 408, SJR 26.**

Correctly engrossed: **HB 558, HB 628, HB 685, HB 705, HB 743, HB 744, SB 230, SB 231.**

Signed by the Speaker at 2:00 p.m., March 19, 2003: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**

Delivered to the Secretary of State at 8:06 a.m., March 20, 2003: **HJR 15, HJR 19.**

Delivered to the Governor for approval at 9:15 a.m., March 20, 2003: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562.**

**JUDICIARY** (Shockley, Chairman): 3/19/2003  
**SB 35**, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "EXCLUDES"

**Insert:** "MAY EXCLUDE"

2. Page 2, line 27.

**Following:** "53-20-102,"

**Insert:** "or residential facility, as defined in 53-20-102,"

3. Page 4, line 17.

**Following:** "53-21-102,"

**Insert:** "residential facility, as defined in 53-20-102,"

4. Page 4, line 22.

**Following:** "HEALTH,"

**Insert:** "residential,"

And, as amended, be concurred in. Report adopted.

**SB 57**, be amended as follows:

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1. Page 1, line 25 through line 27.

**Following:** "~~rehabilitation~~" on line 25

**Strike:** remainder of line 25 through "PERSON" on line 27

**Insert:** "an organic, mental, or emotional impairment that is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted"

2. Page 1, line 30.

**Following:** line 29

**Insert:** "["

**Following:** "or"

**Insert:** "]"

3. Page 2, line 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 35 is not passed and approved, the bracketed language in [section 1 of this act] is void."

And, as amended, be concurred in. Report adopted.

**SB 398**, be concurred in and be placed on the consent calendar. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/20/2003

**SB 145**, be concurred in. Report adopted.

**SB 149**, be concurred in. Report adopted.

**SB 262**, be concurred in. Report adopted.

**SB 445**, be concurred in. Report adopted.

**SJR 23**, be concurred in. Report adopted.

**SJR 27**, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/19/2003

**SB 126**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "SECTION;"

**Insert:** "CLARIFYING THE CATEGORIES OF PROPERTY THAT ARE EXEMPT FROM PROPERTY TAXATION; PROVIDING THAT BIOLOGICAL CONTROL INSECTS ARE AN AGRICULTURAL PRODUCT AND RECEIVE AN AGRICULTURAL PRODUCT EXEMPTION;"

**Strike:** the second "SECTION"

**Insert:** "SECTIONS 15-1-101,"

**Following:** "15-6-201,"

**Insert:** "AND 15-6-207,"

2. Page 1, line 11.

**Insert:** "**Section 1.** Section 15-1-101, MCA, is amended to read:

**"15-1-101. Definitions.** (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects,

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fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A manufactured home does not include a mobile home, as defined in 61-1-501 and in subsection (1)(m) of this section, a housetrailer, as defined in 61-1-501, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrainers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

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(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board.""

**Renumber:** subsequent sections

3. Page 4, line 23.

**Following:** "property"

**Insert:** ", except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, and 15-6-156,"

4. Page 4, line 25.

**Strike:** "except those included in class five"

5. Page 4, line 29 through line 30.

**Strike:** "EXCEPT" on line 29 through "FIVE" on line 30

6. Page 5, line 1 through line 2.

**Strike:** "except" on line 1 through "five" on line 2

7. Page 5, line 3 through line 4.

**Strike:** ", except" on line 3 through "class" on line 4

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8. Page 5, line 6 through line 7.

**Strike:** "except" on line 6 through "section" on line 7

9. Page 11, line 19.

**Insert:** "**Section 3.** Section 15-6-207, MCA, is amended to read:

**"15-6-207. Agricultural exemptions.** (1) The following agricultural products are exempt from taxation:

- (a) all unprocessed agricultural products on the farm or in storage and owned by the producer;
- (b) all producer-held grain in storage;
- (c) all unprocessed agricultural products;
- (d) all livestock and the unprocessed products of livestock;
- (e) poultry and the unprocessed products of poultry; ~~and~~
- (f) bees and the unprocessed product of bees; and
- (g) biological control insects.

(2) Any beet digger, beet topper, beet defoliator, beet thinner, beet cultivator, beet planter, or beet top saver designed exclusively to plant, cultivate, and harvest sugar beets is exempt from taxation if the implement has not been used to plant, cultivate, or harvest sugar beets for the 2 years immediately preceding the current assessment date and there are no available sugar beet contracts in the sugar beet grower's marketing area.""

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

3/19/2003

**HB 246**, introduced by Harris

**HB 252**, introduced by Hedges

**HB 436**, introduced by A. Olson

**HB 621**, introduced by Sinrud

**House joint resolution** concurred in and returned to the House:

3/19/2003

**HJR 25**, introduced by Juneau

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 602**, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.



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Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jent, Raser, Windy Boy.

Total 3

**SB 28**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Franklin, Galvin-Halcro, Jayne, Sales, Sinrud.

Total 5

Excused: None.

Total 0

Absent or not voting: Jent, Raser, Windy Boy.

Total 3

**SB 172**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, D. Brown, Everett, Pattison, Sales, Waitschies.

Total 6

Excused: None.

Total 0

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Absent or not voting: Jent, Raser, Windy Boy.  
Total 3

**SJR 3**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Sales.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jent, Raser, Windy Boy.  
Total 3

**SB 137** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**HB 604** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester,

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Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, D. Brown, R. Brown, Devlin, Fuchs, Lambert, Laszloffy, Sales, Small-Eastman, Smith, Wagman.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**HB 722** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Sales, Sinrud.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**SB 183** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Ballantyne, D. Brown, Devlin, Everett, Hawk, Lake, Laslovich, Lehman, Lewis, Malcolm, Morgan, Newman,

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Rice, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**SB 216** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

Majority Leader Brown moved that the House adjourn until 9:00 a.m. for caucuses. Motion carried.

House adjourned at 8:11 a.m.

House reconvened at 9:00 a.m. All members present. Quorum present.

**MESSAGES FROM THE SENATE**

**HB 224** - The Senate acceded to the request of the House and herewith transmits **HB 224** for reconsideration:  
3/19/2003

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 2** - Representative Lewis moved **HB 2** do pass.

Representative Lewis gave opening remarks on **HB2**, Global Amendments to Overview.

Representative Gallik moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 4

**Insert:** "a. Employee Pay Increase

95,108 232,699" [general fund FY04 and FY05]

**Insert:** "19,400 47,465" [other funds FY04 and FY05]

2. Page A-1.

**Following:** line 16

**Insert:** "Item 1a includes general fund money of \$95,108 in fiscal year 2004 and \$232,699 in fiscal year 2005 and other funds of \$19,400 in fiscal year 2004 and \$47,465 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for legislative branch employees. The branch may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

3. Page A-1.

**Following:** line 22

**Insert:** "a. Employee Pay Increase

6,400 16,113" [state special revenue FY04 and FY05]

4. Page A-1.

**Following:** line 25

**Insert:** "Item 1a includes state special revenue money of \$6,400 in fiscal year 2004 and \$16,113 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for consumer counsel employees."

5. Page A-2.

**Following:** line 5

**Insert:** "b. Employee Pay Increase

292,707 718,773" [general fund FY04 and FY05]

**Insert:** "15,942 39,148" [other funds FY04 and FY05]

6. Page A-2.

**Following:** line 25

**Insert:** "Item 1b includes general fund money of \$292,707 in fiscal year 2004 and \$718,773 in fiscal year 2005 and other funds of \$15,942 in fiscal year 2004 and \$39,148 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for judicial branch employees. The branch may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

7. Page A-4.

**Following:** line 1

**Insert:** "b. Employee Pay Increase

2,875,122 7,051,159" [general fund FY04 and FY05]

**Insert:** "4,280,968 10,498,959" [other funds FY04 and FY05]

8. Page A-4.

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**Following:** line 17

**Insert:** "Item 4b includes general fund money of \$2,875,122 in fiscal year 2004 and \$7,051,159 in fiscal year 2005 and other funds of \$4,280,968 in fiscal year 2004 and \$10,498,959 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for executive branch employees. The office may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

9. Page E-8.

**Following:** line 9

**Insert:** "j. Employee Pay Increase

1,663,332 4,228,147" [general fund FY04 and FY05]

**Insert:** "1,809,397 4,599,441" [other funds FY04 and FY05]

10. Page E-9, line 2.

**Following:** "through 7a,"

**Insert:** " 7j,"

11. Page E-11.

**Following:** line 6

**Insert:** "Item 7j includes general fund money of \$1,663,332 in fiscal year 2004 and \$4,228,147 in fiscal year 2005 and other funds of \$1,809,397 in fiscal year 2004 and \$4,599,441 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for university system employees. The board of regents may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 41

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman gave opening remarks on **HB 2**, Section A: General Government and Transportation.

Representative Lewis moved **HB 2**, second reading copy, be amended as follows:

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1. Page A-2, line 11.

**Strike:** "24,379,042 25,250,501" [general fund FY04 & FY05]

**Insert:** "26,179,042 27,050,501" [general fund FY04 & FY05]

2. Page A-3.

**Following:** line 3

**Insert:** "Item 4 includes \$1,800,000 of general fund money in fiscal year 2004 and \$1,800,000 of general fund money in fiscal year 2005. If House Bill No. 750 is not passed and approved, then item 4 is reduced by \$1,800,000 of general fund money in fiscal year 2004 and by \$1,800,000 of general fund money in fiscal year 2005."

3. Page B-1.

**Following:** line 20

**Insert:** "c. General Fund Increase -- HB 750 (Biennial)  
2,312,722 2,312,723" [general fund FY04 & FY05]

4. Page B-5.

**Following:** line 24

**Insert:** "The department may reallocate the funding in item 3c among divisions or programs when developing the 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 3c is reduced by \$2,312,722 of general fund money in fiscal year 2004 and by \$2,312,723 of general fund money in fiscal year 2005."

5. Page D-4, line 3.

**Strike:** "52,036,901 51,987,583" [general fund FY04 & FY05]

**Insert:** "54,642,428 56,012,642" [general fund FY04 & FY05]

6. Page D-4.

**Following:** line 15

**Insert:** "Item 3 includes \$2,605,527 of general fund money in fiscal year 2004 and \$4,025,059 of general fund money in fiscal year 2005. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 3 is reduced by \$2,605,527 of general fund money in fiscal year 2004 and by \$4,025,059 of general fund money in fiscal year 2005."

7. Page E-1, line 10.

**Strike:** "389,833,550" [general fund FY04]

**Insert:** "394,959,998" [general fund FY04]

8. Page E-3.

**Following:** line 1

**Insert:** "Item 2a includes \$5,126,448 of general fund money in fiscal year 2004. The department may reallocate this increase in funding among programs when developing the fiscal year 2004 operating plan. If House Bill No. 750 is not passed and approved, then item 2a is reduced by \$5,126,448 of general fund money in fiscal year 2004."

9. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]

**Insert:** "102,518,826 102,637,745" [general fund FY04 & FY05]

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10. Page E-10.

**Following:** line 11

**Insert:** "Item 7 includes \$4,155,520 of general fund money in fiscal year 2004 and \$4,039,160 of general fund money in fiscal year 2005. The board of regents may reallocate this increase in funding among university units, as defined in 17-7-102(13), when developing 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 7 is reduced by \$4,155,520 of general fund money in fiscal year 2004 and by \$4,039,160 of general fund money in fiscal year 2005."

Amendment adopted as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Mendenhall moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 3.

**Strike:** "2,732,161 2,743,566" [general fund FY 04 and FY 05]

**Insert:** "3,020,545 3,040,540" [general fund FY 04 and FY 05]

2. Page A-2.

**Following:** line 18

**Strike:** line 19 through line 21

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Newman, Noennig, Parker, Raser, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 51

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin,



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Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

**Strike:** "1,315,975 1,308,634" [general fund FY04 and FY05]

**Insert:** "1,300,975 1,293,634" [general fund FY04 and FY05]

2. Page A-3, line 16.

**Strike:** "688,905 689,575" [general fund FY04 and FY05]

**Insert:** "673,905 674,575" [general fund FY04 and FY05]

3. Page A-3, line 20.

**Strike:** "79,521 79,504" [general fund FY04 and FY05]

**Insert:** "59,521 59,504" [general fund FY04 and FY05]

4. Page E-2.

**Following:** line 17

**Insert:** "r. Indian Education for All  
50,000 50,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Facey moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-10, line 9.

**Strike:** "8,307,564 7,295,036"

**Insert:** "8,107,564 7,095,036"

2. Page B-4, line 5.

**Strike:** "114,972,156 109,719,360" [federal funds FY04 and FY05]

**Insert:** "115,509,619 110,244,786" [federal funds FY04 and FY05]

**Strike:** "0 0" [proprietary funds FY04 and FY05]

**Insert:** "200,000 200,000" [proprietary funds FY04 and FY05]

3. Page B-4, line 19.

**Strike:** "261,917 612,484 278,014 641,057"

**Insert:** "61,917 75,021 78,014 115,631"

4. Page B-6.

**Following:** line 12

**Insert:** "The proprietary fund appropriation in item 11 is contingent upon passage and approval of a bill to amend distribution of net lottery proceeds to provide for inclusion of expenditures unrelated to lottery operations."

Explanation: This amendment moves \$200,000 of proprietary authority annually from lottery appropriations and offsets a like amount of state special revenue appropriations from the Prevention and Stabilization Fund for provider rate increases for Medicaid community service providers in the Senior and Long Term Care Division. Federal matching funds are transferred from the line item for the Prevention and Stabilization Fund to the main division appropriation. The appropriation of lottery proprietary funds is contingent on passage and approval of a bill to amend statute to allow net lottery proceeds to be calculated to include expenditures from lottery proceeds that are unrelated to lottery operations.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Maedje, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

**Strike:** "1,315,975 1,308,634" [general fund FY04 and FY05]

**Insert:** "1,310,975 1,303,634" [general fund FY04 and FY05]

2. Page A-3, line 16.

**Strike:** "688,905 689,575" [general fund FY04 and FY05]

**Insert:** "683,905 684,575" [general fund FY04 and FY05]

3. Page A-3, line 20.

**Strike:** "79,521 79,504" [general fund FY04 and FY05]

**Insert:** "64,521 64,504" [general fund FY04 and FY05]

4. Page E-2.

**Following:** line 17

**Insert:** "r. Indian Education for All  
25,000 25,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended.

Representative Juneau withdrew her amendment.

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

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**Strike:** "1,315,975 1,308,634" [general fund in FY04 and FY05]

**Insert:** "1,065,975 1,058,634" [general fund in FY04 and FY05]

2. Page A-4.

**Following:** line 17

**Insert:** "Item 1 includes a reduction in general fund money of \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005. The office may reallocate this reduction in funding among programs when developing 2005 biennium operating plans."

3. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund in FY04 and FY05]

**Insert:** "98,613,306 98,848,585" [general fund in FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: Gutsche, Harris.

Total 2

Representative Shockley moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-6, line 14.

**Strike:** "287,854,080" "341,603,530"

[federal special revenue fiscal 2004 and fiscal 2005]

**Insert:** "286,426,815" "340,119,185"

[federal special revenue fiscal 2004 and fiscal 2005]

2. Page A-6.

**Following:** line 16

**Insert:** "b. Misdemeanor Probation Officers for DUI Offenders

1,427,265 1,484,345"

[federal special revenue fiscal 2004 and fiscal 2005]

3. Page A-7.

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**Following:** line 24

**Insert:** "Item 2b includes federal special revenue funds linked to a transfer of federal highway construction funds to highway safety funds because of Montana not meeting the federal requirements for an open container law. It is the intent of the legislature that the funds in item 2b are to be used by the state highway traffic safety program to provide grants to local governments to fund misdemeanor probation officers as allowed by 23 U.S.C. 402(b)(1)(B) and (b)(1)(C). Grants awarded to local governments with funds in item 2b are contingent upon local governments submitting grant applications that meet national highway traffic safety administration requirements for use of highway safety funds and fulfilling all reporting and documentation requirements established by the department. Funds in item 2b may be used only to fund new misdemeanor probation officers and may not be used to supplant existing misdemeanor probation functions. If Senate Bill No. 39 is passed and approved, item 2b is void and federal special revenue funds in item 2 are increased by \$1,427,265 in fiscal year 2004 and by \$1,484,345 in fiscal year 2005."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bixby, Bookout-Reinicke, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Juneau, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Maedje, Malcolm, Mendenhall, Morgan, Newman, Noennig, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ryan, Sales, Schrumph, Shockley, Small-Eastman, Smith, Stoker, Wagman, Younkin.  
Total 58

Noes: Balyeat, Becker, Bergren, Bitney, Branae, D. Brown, Brueggeman, E. Clark, Cyr, Devlin, Facey, Fisher, Gallik, Galvin-Halcro, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, B. Olson, Pattison, Raser, Rome, Ross, Sinrud, Steinbeisser, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4.

**Following:** line 17

**Insert:** "The governor's office of economic development shall develop a memorandum of understanding with the Montana tribal governments to outline strategies for communications and collaborative efforts that can be implemented to help strengthen the economic development opportunities for Montana's tribal communities."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser,

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Rice, Ripley, Roberts, Ryan, Sales, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 76

Noes: Barrett, D. Brown, Devlin, Everett, Fisher, Fuchs, Hawk, Hurwitz, Jackson, Maedje, Malcolm, Mendenhall, A. Olson, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman.

Total 21

Excused: None.

Total 0

Absent or not voting: Bixby, Thomas, Mr. Speaker.

Total 3

Representative Cohenour moved **HB 2**, second reading copy, be further amended as follows:

1. Amend amendment HB 2-6 as follows:

**Strike:** "House Bill No. 750" in items 2, 4, 6, 8, and 10

**Insert:** "another bill"

**Following:** "approved"

**Insert:** "that provides specific funding for this purpose"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman moved to close Section A. Motion carried.

Speaker Mood moved that the House recess until 2:45 p.m. Motion carried.

House recessed at 2:35 p.m.

House reconvened at 2:45 p.m. All members present. Quorum present.

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Representative E. Clark gave opening remarks on **HB 2**, Section B: Health and Human Services.

Representative Golie moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 5.

**Strike:** "39,256,170 114,972,156 38,720,653 109,719,360"

**Insert:** "39,430,636 115,441,001 38,913,701 110,226,522"

2. Page B-4.

**Strike:** lines 8 and 9 in their entirety

**Renumber:** subsequent subsections

3. Page B-5, line 18.

**Strike:** "11h"

**Insert:** "11g"

4. Page B-6, following line 12.

**Insert:** "Item 11 includes \$174,466 in general fund money and \$468,845 in federal special revenue in fiscal year 2004 and \$193,048 in general fund money and \$507,162 in federal special revenue in fiscal year 2005 that may be spent only for medicaid hospice services."

5. Page B-6, line 16.

**Strike:** "11f"

**Insert:** "11e"

6. Page B-6, line 17.

**Strike:** "11f"

**Strike:** "11e"

7. Page B-6, line 18.

**Strike:** "11f"

**Following:** "11e"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 6.

**Strike:** " 0                      0" [General Fund FY04 & FY05]

**Insert:** "500,000    500,000" [General Fund FY04 & FY05]

2. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Balyeat moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 20.

**Strike:** "8,834,645              8,763,853"

**Insert:** "6,834,645              6,763,853"

2. Page B-5.

**Following:** line 6

**Insert:** "e.              Mental Health Prescription Drugs (Restricted)

2,000,000                      2,000,000"                      [general fund FY04 and FY05]

3. Page B-5.

**Following:** line 24



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**Insert:** "Item 3b includes a \$2 million general fund reduction in personal services funding each year of the biennium. The department may allocate this reduction in personal services funding among programs when developing the 2005 biennium operating budgets."

4. Page B-6.

**Following:** line 20

**Insert:** "Funds in item 12e may be used only to pay for prescription drugs for persons who are eligible for programs created and administered pursuant to 53-21-702(2)."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, P. Clark, Erickson, Everett, Facey, Fisher, Fritz, Haines, Hawk, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Maedje, Mendenhall, Morgan, Newman, Noennig, Rice, Sales, Schrumpf, Sinrud, Small-Eastman, Wagman, Waitschies, Weiss, Younkin, Mr. Speaker.  
Total 36

Noes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Witt.  
Total 64

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Laslovich moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

**Strike:** "21,990,958 21,399,664" [General Fund FY04 and FY05]

**Insert:** "22,640,958 22,049,664" [General Fund FY04 and FY05]

2. Page B-5.

**Following:** line 17

**Insert:** "Item 1 includes \$650,000 in general fund money in fiscal year 2004 and \$650,000 in general fund money in fiscal year 2005 that may be used only to provide child-care subsidies."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

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Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "3,108,527 3,100,857"

**Insert:** "8,939,887 9,158,457"

2. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$5,831,360 in state special revenue in fiscal year 2004 and \$6,057,600 in state special revenue in fiscal year 2005 from tobacco settlement proceeds allocated by 17-6-606(2), which must be used only for tobacco control and prevention programs."

Explanation: This amendment adds \$11,888,960 tobacco settlement proceeds allocated by I-146 for tobacco prevention and control to HB 2 (codified in section 17-6-602). This amendment brings the total state special revenue appropriation in HB 2 for tobacco prevention and control up to the estimated revenue available under I-146 - \$18,288,960.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzonried, Weiss, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "3,108,527            3,100,857"

**Insert:** "4,908,527            6,900,857"

2. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$1,800,000 in state special revenue in fiscal year 2004 and \$3,800,000 in state special revenue in fiscal year 2005 from tobacco settlement proceeds allocated by 17-6-606(2), which must be used only for tobacco control and prevention programs."

Explanation: This amendment adds \$5,600,000 tobacco settlement proceeds allocated by I-146 for tobacco prevention and control to HB 2 (codified in section 17-6-602). This amendment brings the state funding appropriation in HB 2 for tobacco prevention and control up to \$12,000,000 over the biennium.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,569,105 41,273,141" [General Fund FY04 and FY05]

This amendment adds \$457,532 general fund for the biennium (\$228,766 per year) to the Disability Services Division to continue Independent Living Services at the fiscal 2002 level.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,

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Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1.

**Following:** line 14

**Insert:** "c. Family Foster Care Rate Increase (Restricted)

153,172 86,159 153,172 86,159" [General Fund FY04, Federal Special Revenue FY04, General Fund FY05, Federal Special Revenue FY05]

2. Page B-5.

**Following:** line 23

**Insert:** "Funding in item 2c may be used only to provide an increase in the daily rate paid to family foster parents."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,425,173 41,129,209" [General Fund FY04 and FY05]

This amendment adds \$169,668 general fund for the biennium (\$84,834 per year) to the Disability Services Division to continue the Visual Services Medical Program.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 7.

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-3, line 8.

**Strike:** "0 25,000 0 25,000" [General Fund FY04, State Spec Revenue FY04, General Fund FY05, State Spec Revenue FY05]

**Insert:** "25,000 0 25,000 0" [General Fund FY04, State Spec Revenue FY04, General Fund FY05, State Special Revenue FY05]

3. Page B-5, line 18.

**Following:** "9c through"

**Insert:** "9e,"

4. Page B-6.

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**Following:** line 5

**Insert:** "Funding in item 9f may be used only to provide donated dental services to individuals with disabilities."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 59

Noes: Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrumph, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Dickenson.

Total 1

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 6.

**Following:** "Fund"

**Insert:** "(Restricted)"

2. Page B-2, line 7.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "581,379 581,379" [general fund FY04 and FY05]

**Strike:** "581,379 581,379" [state special revenue FY04 and FY05]

**Insert:** "0 0" [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

4. Page B-5, following line 24.

**Insert:** "Funds in item 6a may be spent only for the MIAMI/perinatal program."

Explanation: This amendment adds \$581,379 general fund each year of the biennium for MIAMI (Montana Initiative for the Abatement and Mortality in Infants) and reduces state special revenue appropriations from the Prevention and Stabilization fund by a like amount. The amendment also restricts the appropriation and exempts the general fund from the contingency placed on the appropriation from the Prevention and Stabilization Fund. The proposed source of general fund to support the increases in this change are transfers to the general fund from the Workers' Compensation Fund, Old Fund.

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Laslovich moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [general fund FY04 and FY05]

**Insert:** "43,610,990 41,304,036" [general fund FY04 and FY05]

2. Page B-4, line 5.

**Strike:** "6,710,828 114,972,156 6,744,331 109,719,360" [state special and federal revenue FY04 and FY05]

**Insert:** "6,785,812 115,013,006 6,817,796 109,762,333" [state special and federal revenue FY04 and FY05]

3. Page B-4, line 23.

**Strike:** "38,242,924 4,723,714 38,948,846 4,813,319" [general fund and state special revenue FY04 and FY05]

**Insert:** "38,726,514 4,730,705 39,455,186 4,820,824" [general fund and state special revenue FY04 and FY05]

4. Page D-4, line 3.

**Strike:** "52,036,901 1,124,938 51,987,583 1,124,938" [general fund and state special revenue FY04 and 05]

**Insert:** "52,789,160 1,150,515 52,741,126 1,150,565" [general fund and state special revenue FY04 and 05]

5. Page D-4, line 7.

**Strike:** "17,514,200 437,013 316,765 17,529,269 437,013 316,765" [general fund, state special, and federal revenue FY04 and FY05]

**Insert:** "17,698,932 449,703 327,375 17,714,153 449,713 327,383" [general fund, state special, and federal revenue FY04 and 05]

6. Page E-4, line 4.

**Strike:** "1,004,239 1,012,210" [general fund FY04 and FY05]

**Insert:** "1,029,411 1,037,468" [general fund FY04 and FY05]

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Montana School for the Deaf and Blind - This amendment exempts direct care and medical staff in the Student Services Program at the Montana School for the Deaf and Blind from vacancy savings, resulting in an increase in general fund of \$50,430 (\$25,172 in fiscal 2004 and \$25,258 in fiscal 2005).

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Dickenson moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,610,978 41,315,014" [General Fund FY04 and FY05]

2. Page B-6, following line 5.

**Insert:** "Item 9 includes general fund money of \$270,639 in fiscal year 2004 and \$270,639 in fiscal year 2005 that is contingent on passage and approval of House Bill No. 206."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 50

Noes: Andersen, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 50



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 10.

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-4, line 11.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "257,000 257,000" [general fund FY04 and FY05]

**Strike:** "257,000 257,000" [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Following:** "11b"

**Insert:** ", 11d"

4. Page B-6.

**Following:** line 15

**Insert:** "Funds in item 11c may be used only for grants to local providers for aging services."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 14.

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**Following:** "Services"

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-4, line 15.

**Strike:** "0           0"                   [general fund FY04 and FY05]

**Insert:** "34,000 34,000"               [general fund FY04 and FY05]

**Strike:** "34,000 34,000"               [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Following:** "11b"

**Insert:** "through 11d, 11f"

4. Page B-6, following line 15.

**Insert:** "Funds in item 11e may be used only to provide in-home therapy services for medicaid eligible persons receiving home-based services."

Explanation: This amendment adds \$34,000 general fund each year of the biennium and reduces state special revenue appropriations from the Prevention and Stabilization Fund by a like amount. The amendment restricts the use of general fund and federal matching funds to provision of in-home therapy services for elderly and physically disabled persons receiving Medicaid home based services.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 40

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Cyr, Erickson, Fritz, Jent, Windy Boy.

Total 5

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 10.

**Strike:** "19,761,992 19,984,077" [General Fund FY04 and FY05]

**Insert:** "19,839,633 20,061,718" [General Fund FY04 and FY05]

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2. Page B-5.

**Following:** line 23

**Insert:** "Item 2 includes \$77,641 in general fund money in fiscal year 2004 and \$77,641 in general fund money in fiscal year 2005 that may be used only to support the provision of domestic violence prevention services."

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Schruppf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Becker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5, line 2.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "4,000,000 4,000,000" [general fund FY04 and FY05]

2. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "1,973,403            1,984,060"

**Insert:** "1,986,231            1,996,888"

2. Page B-2.

**Strike:** lines 8 and 9 in their entirety

**Renumber:** subsequent subsections

3. Page B-5, line 18.

**Following:** "6a through"

**Strike:** "6d"

**Insert:** "6c"

4. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$12,828 in general fund money each year of the biennium that may be used only for matching funds for the WIC farmer's market voucher program."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumph, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Gillan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5.

**Following:** line 9

**Insert:** "If LC 1931 is passed and approved, with the exception of funds necessary to repay the coal severance tax loan, funds allocated to the prevention and stabilization account are sufficient to fully fund all appropriations from that fund."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "1,973,403 1,984,060"

**Insert:** "2,015,403 2,026,060"

2. Page B-2.

**Strike:** lines 12 and 13 in their entirety

**Renumber:** subsequent subsection

3. Page B-5, line 18.

**Following:** "6a through"

**Strike:** "6d"

**Insert:** "6c"

4. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$42,000 in general fund money each year of the biennium that may be used only for AIDS treatment and prevention services."

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Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 41

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: Ballantyne, Franklin, Lenhart.

Total 3

Representative E. Clark moved to close Section B. Motion carried.

Representative R. Brown moved the committee rise and report progress on **HB 2**. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 757**, introduced by Witt, Cyr, DePratu, Devlin, Gallus, Gebhardt, Harrington, Hedges, Keane, Lake, Lambert, Laslovich, Lindeen, Maedje, Mahlum, McCarthy, Newman, A. Olson, Peterson, Rice, Ross, B. Ryan, Shea, Sprague, Tash, Tester, Wilson, referred to Taxation.

**MOTIONS**

Representative R. Brown moved the House accede to the request of the Senate to return **HB 224** for further Senate consideration on this bill. There being no objection, so ordered.

Representative R. Brown moved **SB 271** be taken from the Committee on Taxation and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Branae.

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**ANNOUNCEMENTS**

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Friday, March 21, 2003. Motion carried.

House adjourned at 7:33 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTIETH LEGISLATIVE DAY**

Helena, Montana  
March 21, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Lange. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-seventh and fifty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**SPECIAL ORDERS OF THE DAY**

The Speaker read the following statement from the Honorable U.S. Senator Max Baucus:

I deeply regret that I have to announce I will not be able to address a joint session of the Montana Legislature today.

I have to stay in Washington for two reasons: to show support in the Senate for our troops in Iraq, and to take part in key budget votes that deal with boosting our economy, providing prescription drugs to Montana seniors, protecting Social Security and Medicare, and important funding for education, highways, and homeland security.

Now that our country is at war, it is time to stand united behind our troops, who are fighting for the safety and security of America and to protect the world from terrorism. We all should pray for their safe return.

Again, I deeply regret that I will not be with you, and I deeply appreciate your invitation. I wish you well in your deliberations and in doing what's right for Montana.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/21/2003

Correctly printed: **SB 145, SB 149, SB 262, SB 398, SB 445, SJR 23, SJR 27.**

Correctly engrossed: **SB 35, SB 57, SB 126.**

Correctly enrolled: **HB 154, HB 156, HB 172, HB 246, HB 252, HB 305, HB 339, HB 391, HB 402, HB 429, HB 436, HB 621, HB 635, HJR 9, HJR 25.**

Examined by the sponsor and found to be correct: **HB 154, HB 156, HB 172, HB 246, HB 252, HB 305, HB 339, HB 391, HB 402, HB 429, HB 436, HB 621, HB 635, HJR 9, HJR 25.**

**APPROPRIATIONS** (Lewis, Chairman):

3/20/2003

**HB 3**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "The"

**Insert:** "(1) Except as provided in subsection (2), the"

2. Page 1.

**Following:** line 19



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**Insert:**

"Child Support Enforcement Division           \$1,200,000           General Fund"

3. Page 1, line 24.

**Strike:** "\$250,000"

**Insert:** "\$110,000"

4. Page 1, line 26.

**Strike:** "\$250,000"

**Insert:** "\$390,000"

5. Page 1, line 28.

**Strike:** "\$3,503,000"

**Insert:** "\$1,940,000"

6. Page 2.

**Following:** line 1

**Insert:** "(2) If the actual common school interest and income revenue deposited in the guarantee account established in 20-9-622 by the end of fiscal year 2003 is less than the amount of common school interest and income revenue estimated for fiscal year 2003 in House Joint Resolution No. 2 as passed and approved, then the office of public instruction school BASE aid appropriation for the fiscal year ending June 30, 2003, as provided in subsection (1) of this section, is increased by the amount of the difference between the amount of common school interest and income revenue estimated in House Joint Resolution No. 2 as passed and approved and the actual receipts in the guarantee account, up to a maximum of \$8 million."

And, as amended, do pass. Report adopted.

**HB 4**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1.

**Following:** line 19

**Insert:** "Montana Supreme Court

District Court Operations

Probation Miscellaneous Revenue 2003   \$100,000           State Special"

3. Page 1.

**Following:** line 23

**Insert:** "Local Education Activities

Reading Excellence 2003   \$10,366,578           Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for reading excellence for local education activities is authorized to continue into federal fiscal year 2004."

4. Page 1.

**Following:** line 28

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**Insert:** "Administration Program

All remaining fiscal year 2003 federal budget amendment authority for the Montana historical society press administration grant is authorized to continue into state fiscal year 2005.

Library Program  
National Archives and Records      2003      \$9,320      Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the national archives and records is authorized to continue into state fiscal year 2004."

5. Page 2.

**Following:** line 1

**Insert:** "Historic Preservation Program

Heritage Databases - Bureau of Land Management  
2003      \$30,000      Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the heritage databases - bureau of land management is authorized to continue into state fiscal year 2004.

Heritage Preservation Program  
Virginia City/Nevada City Wildfire Mitigation      2003      \$60,735      Federal Funds

All remaining fiscal year 2003 federal budget amendment authority from the federal emergency management agency for the Virginia City and Nevada City wildfire hazard mitigation is authorized to continue into state fiscal year 2004."

6. Page 2.

**Following:** line 10

**Insert:** "Pallid Sturgeon at Miles City      2003      \$42,893      Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the pallid sturgeon production at the Miles City hatchery is authorized to continue into state fiscal year 2004."

7. Page 2, line 16 through line 17.

**Strike:** line 16 through line 17 in their entirety

8. Page 2.

**Following:** line 19

**Insert:** "Capital Outlay Program

All remaining fiscal year 2003 federal budget amendment authority for the U.S. fish and wildlife service for the Thompson/Fisher drainage is authorized to continue into federal fiscal year 2005."

9. Page 2.

**Following:** line 29

**Insert:** "Remediation Division

All remaining fiscal year 2003 federal budget amendment authority for the Lockwood solvent grant is

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authorized to continue into state fiscal year 2004."

10. Page 3.

**Following:** line 4

**Insert:** "Conservation Reserve Program Grant Number 5  
2003      \$5,621              Federal Funds

Conservation Reserve Program Grant Number 6  
2003      \$6,951              Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the conservation reserve program grants is authorized to continue into federal fiscal year 2004."

11. Page 3.

**Following:** line 21

**Insert:** "Department of Corrections  
Juvenile Corrections

All remaining fiscal year 2003 federal budget amendment authority for the U.S. department of justice - corrections serious and violent offender reentry initiative grant is authorized to continue into state fiscal year 2005.

Department of Commerce  
Business Resources Division

All remaining fiscal year 2003 federal budget amendment authority for the U.S. forest service grant is authorized to continue into federal fiscal year 2004."

12. Page 3.

**Following:** line 23

**Insert:** "One-Stop Workforce Investment Act Grant    2003      \$25,000 Federal Funds  
One-Stop Glendive Workforce Investment Act Grant    2003      \$25,000 Federal Funds  
Special Reed Act Funds              2003      \$1,839,000      Federal Funds"

13. Page 3, line 24.

**Following:** "for"

**Insert:** "special"

14. Page 3, line 25.

**Following:** "2005"

**Insert:** "for legitimate Wagner-Peyser Act employment services activities, unemployment insurance benefits, and unemployment insurance administration"

15. Page 3.

**Following:** line 26

**Insert:** "National Customer Service Award Grant      2003      \$25,000 Federal Funds  
Special Reed Act Funds    2003    \$12,601,627 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the national customer service award grant is authorized to continue into federal fiscal year 2004."

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16. Page 3, line 29.

**Following:** "for"

**Insert:** "special"

17. Page 3, line 30.

**Following:** "2005"

**Insert:** "for legitimate Wagner-Peyser Act employment services activities, unemployment insurance benefits, and unemployment insurance administration. The \$12,601,627 of special Reed Act federal funds will be reduced by the amount of any special Reed Act federal funds that is contained in the General Appropriations Act of 2003 for the department in item 1"

18. Page 4.

**Following:** line 1

**Insert:** "Army National Guard

|                                    |      |           |               |
|------------------------------------|------|-----------|---------------|
| Facility Operation and Maintenance | 2003 | \$698,000 | Federal Funds |
|------------------------------------|------|-----------|---------------|

Air National Guard

|                           |      |           |                |
|---------------------------|------|-----------|----------------|
| Firefighters and Security | 2003 | \$167,322 | Federal Funds" |
|---------------------------|------|-----------|----------------|

19. Page 4.

**Following:** line 8

**Insert:** "All remaining fiscal year 2003 federal budget amendment authority for the federal emergency management agency supplemental federal planning grant funds is authorized to continue into state fiscal year 2004."

20. Page 4.

**Following:** line 12

**Insert:** "Child and Family Services Division

All remaining fiscal year 2003 federal budget amendment authority for the Walla Walla IV-E grant is authorized to continue into state fiscal year 2004.

Health Policy and Services Division

All remaining fiscal year 2003 federal budget amendment authority for the rape prevention and education grant is authorized to continue into federal fiscal year 2005."

21. Page 4, lines 22 through line 24.

**Strike:** lines 22 through line 24 in their entirety

**Insert:** "NEW SECTION. Section 3. Appropriation. There is appropriated for fiscal year 2003 to the Montana supreme court \$500,000 of federal budget amendment authority for a statewide video network funded by the United States department of justice, office of community oriented policing services."

**Renumber:** subsequent sections

22. Page 4.

**Following:** line 30

**Insert:** "NEW SECTION. Section 6. Retroactive applicability. [Section 3] applies retroactively, within the meaning of 1-2-109, to February 10, 2003."

And, as amended, do pass. Report adopted.

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**HB 6**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Strike:** "\$125,000"

**Insert:** "\$220,932"

2. Page 2, line 5.

**Strike:** "100,000"

**Insert:** "75,000\*"

3. Page 2, line 21.

**Strike:** "100,000"

**Insert:** "75,000"

4. Page 3, line 11.

**Strike:** "100,000"

**Insert:** "75,000\*"

5. Page 3, line 13.

**Strike:** "100,000"

**Insert:** "75,000\*"

6. Page 3, line 14.

**Strike:** "Ballantin"

**Insert:** "Ballantine"

7. Page 3, line 22 through line 23.

**Strike:** line 22 through line 23 in their entirety

8. Page 4, line 5.

**Strike:** "100,000"

**Insert:** "50,000"

9. Page 4, line 15.

**Strike:** "99,883"

**Insert:** "50,000"

10. Page 4, line 19.

**Strike:** "100,000"

**Insert:** "80,000"

11. Page 4, line 22 through line 30.

**Strike:** line 22 through line 30 in their entirety

12. Page 5, line 2.

**Strike:** "85,212"

**Insert:** "50,000"

13. Page 5, line 3 through line 4.

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**Strike:** line 3 through line 4 in their entirety

14. Page 5, line 13 through page 6, line 6.

**Strike:** line 13 through page 6, line 6 in their entirety

15. Page 6, following line 6.

**Insert:** "(4) The department of natural resources and conservation may determine the dollar portions for each project identified with an asterisk (\*)."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 7**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "GRANTS;"

**Insert:** "AMENDING SECTION 2, CHAPTER 419, LAWS OF 1999, AND SECTION 2, CHAPTER 232, LAWS OF 2001;"

2. Page 2, line 1 through page 2, line 28.

**Strike:** line 1 through line 28 in their entirety

**Insert:** "Big Horn Conservation District

(Ground Water Monitoring--Tongue & Powder River Watersheds) 300,000

Sunburst, Town of

(Sunburst Water Supply Renovation) 185,249

Governor's Office

(Growing Carbon) 300,000

Board of Oil and Gas Conservation

(Oil and Gas Plug and Abandonment) 200,000

Toole County

(2003 Plugging and Abandonment) 240,000

Board of Oil and Gas Conservation

(2003 Northern District Plug and Abandonment) 300,000

Board of Oil and Gas Conservation

(2003 Southern District Plug and Abandonment) 100,000

Department of Environmental Quality

(Washington Mine and Millsite Reclamation) 300,000

Powell County\*

(CMC Roundhouse Site Cleanup) 76,400

Department of Environmental Quality

(Drumlummon Tailings, Goldsil Mine Waste Reclamation) 300,000

Sheridan County Conservation District

(Reclaiming Oilfield Brine Contaminated Soils) 150,000

Department of Natural Resources and Conservation

(Planning Grants) 50,000

Fergus County Conservation District

(Central Montana Aquifer Project) 150,000

Judith Basin Conservation District

(Judith Basin Aquifer Restoration and Conservation) 70,000"

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3. Page 2, following line 28.

**Insert:** "The project grant identified with an asterisk (\*) is contingent on the transfer of the site that is 14.5 acres located south of Milwaukee avenue to Powell County without compensation to the current owner."

4. Page 3.

**Following:** line 25

**Insert:** "Section 6. Section 2, Chapter 419, Laws of 1999, is amended to read:

**"Section 2. Approved grant projects.** (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities and specific conditions established for each project and activity are contained within the department of natural resources and conservation's reclamation and development grants program report to the 56th legislature for the 2001 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project Grant Amount

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "A" Orphaned Well Plug and Abandonment and Site Restoration \$300,000

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "B" Orphaned Well Plug and Abandonment and Site Restoration 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Toston Smelter Reclamation Project 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Frohner Mine Reclamation Project 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Great Republic Smelter Reclamation Project 300,000

PARK CONSERVATION DISTRICT\*

Upper Yellowstone River Cumulative Effects Investigation 299,940

TOOLE COUNTY\*

Toole County Plugging and Abandonment, Aid to Independent Small Oil Operators 300,000

BUTTE-SILVER BOW LOCAL GOVERNMENT

Upper Clark Fork Basin: Superfund Technical Assistance 95,236

FERGUS COUNTY CONSERVATION DISTRICT\*

Central Montana Artesian Basin Ground Water Project 150,000

TOOLE COUNTY

North Toole County Reclamation Project 150,000

BUTTE-SILVER BOW LOCAL GOVERNMENT

Mining City Mineyard Preservation and Enhancement 297,104

~~TOWNSEND, CITY OF~~

~~East Pacific Mine Reclamation 202,500~~

MONTANA TECH OF THE UNIVERSITY OF MONTANA

Champion International Gravel Pit Reclamation Project 57,494

LEWISTOWN, CITY OF

Source Location of Hazardous Organic Contaminants Spring Creek Drainage 50,000

GLASGOW IRRIGATION DISTRICT

St. Mary Diversion Repairs 110,818

MONTANA BOARD OF OIL AND GAS CONSERVATION

Oil Well Abandonment 20,105

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The board of oil and gas conservation is authorized to expend remaining funds from grants to the board in this subsection (2) and remaining funds from grants previously awarded to the board to pay for the proper plugging of additional abandoned oil and gas wells. In determining which wells to plug, abandoned wells that represent the greatest threat to the environment and public health and safety should be given priority over all others.

(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 2001 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (\*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality."

**Insert:** "Section 7. Section 2, Chapter 232, Laws of 2001, is amended to read:

**"Section 2. Approved grant projects.** (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities and specific conditions established for each project and activity are contained within the department of natural resources and conservation's reclamation and development grants program report to the 57th legislature for the 2003 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project Grant Amount

BOARD OF OIL AND GAS CONSERVATION\* \$300,000

2001 Eastern District Orphaned Well Plug & Abandonment  
& Site Restoration

BOARD OF OIL AND GAS CONSERVATION\* 300,000

2001 Northern District Orphaned Well Plug & Abandonment  
& Site Restoration

DEPARTMENT OF ENVIRONMENTAL QUALITY 300,000

Development of Trust Fund to Ensure Long-Term Water  
Treatment at Zortman-Landusky

~~POWELL COUNTY\* 300,000~~

~~Ontario Wet Tailings Reclamation~~

CITY OF LEWISTOWN\* 297,740

Reclamation of Brewery Flats on Big Spring Creek

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 291,191

CMC Pony Mill Site Reclamation Project (completion phase)

BROADWATER CONSERVATION DISTRICT\* 145,380

Big Belt Mine Reclamation Projects

CITY OF DEER LODGE\* 140,000

Former Chicago Milwaukee Railroad Passenger Fueling  
Area, Deer Lodge, Montana

BUTTE-SILVER BOW COUNTY 49,272

Upper Clark Fork Basin; Superfund Technical Assistance

BOARD OF OIL AND GAS CONSERVATION 250,000

2001 Southern District Orphaned Well Plug & Abandonment  
& Site Restoration

CUSTER COUNTY CONSERVATION DISTRICT\* 299,977

Yellowstone River Resource Conservation Project

CASCADE COUNTY / WEED AND MOSQUITO MANAGEMENT 218,466

Fort Shaw Weed Shop Soil Contamination Remediation



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DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Organic Soil Amendments

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Zortman Mine - Ruby Gulch Tailings Removal

The state grant is subject to receipt of federal funds to complete tailings removal and stream channel restoration above, within, and below the Zortman townsite.

DEPARTMENT OF ENVIRONMENTAL QUALITY 250,000

Coal Bed Methane Gas EIS

GLACIER COUNTY\* 150,000

2000 Glacier County Plugging & Abandonment

PONDERA COUNTY\* 100,000

Pondera County Oil & Gas Well Plug & Abandonment Project

LIBERTY COUNTY\* 50,000

Abandonment Aid Program for Small Independent Operators in Liberty, Hill, Blaine, & Chouteau Counties

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Gregory Mine Reclamation Project

SHERIDAN COUNTY CONSERVATION DISTRICT 299,950

Protecting Natural Resources by Reclaiming Oilfield

Brine Contaminated Soils

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 272,500

DNRC Environmental Hazard Sites on State Land

FLATHEAD COUNTY 167,821

Assessment of Aggregate Resources for Long-Term Planning  
in Flathead & Missoula Counties

(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 2003 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (\*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 8**, introduced bill, be amended as follows:

1. Page 2.

**Strike:** line 15 through line 16 in their entirety

2. Page 3, line 17.

**Strike:** "\$12,169,290"

**Insert:** "\$11,729,290"

3. Page 3, line 18.

**Strike:** "\$11,062,991"

**Insert:** "\$10,662,991"

4. Page 3, line 18.

**Strike:** "\$1,106,299"

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**Insert:** "\$1,066,299"

And, as amended, do pass. Report adopted.

**HB 10**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "on April 1 of each year"

**Insert:** "annually in due course"

2. Page 2, line 21.

**Strike:** "on April 1 of each year"

**Insert:** "annually in due course"

And, as amended, do pass. Report adopted.

**HB 11**, introduced bill, be amended as follows:

1. Title, page 1, line 13.

**Following:** "GRANTS;"

**Insert:** "TERMINATING CERTAIN TREASURE STATE ENDOWMENT GRANTS; AMENDING SECTION 1, CHAPTER 213, LAWS OF 1995; REPEALING SECTION 9, CHAPTER 435, LAWS OF 2001;"

2. Page 2, line 26.

**Strike:** "Worden-Ballentine"

**Insert:** "Worden-Ballantine"

3. Page 3, line 20.

**Following:** "2005,"

**Insert:** "the 59<sup>th</sup> legislature is encouraged to give priority to funding"

**Strike:** "will be funded"

4. Page 7.

**Following:** line 9

**Insert:** "**Section 8.** Section 1, Chapter 213, Laws of 1995, is amended to read:

**"Section 1. Appropriations from the treasure state endowment special revenue account. (1)**

There is appropriated to the department of commerce the interest earnings of the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the local government entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 1 through 3] and described in the treasure state endowment program January 1995 report to the 54th legislature. The legislature, pursuant to 90-6-710, approves the grants listed in subsection (3), in the order indicated in the list of projects. The department shall award funds up to the amounts approved in this section in order of priority until available funds are expended. The department shall provide funds not accepted or used by local governments with higher-ranked projects to local governments whose projects are in lower positions on the priority list and that would not otherwise receive funding. When additional funds become available for the grants listed in subsection (3), they must be awarded to projects in the order of the projects' priority when the lower-ranked projects meet the startup conditions of the department's grant agreement and are ready to proceed to construction.

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(3) The following are the authorized projects in the order of their priority:

Applicant/Project Matching Grant

|  |                      |
|--|----------------------|
| 1. <del>Hill County Water Dist. (water)</del>        | <del>\$500,000</del> |
| 2. <u>1.</u> East Glacier Wtr. & Sewer Dist. (water) | 306,555              |
| 3. <u>2.</u> City of Lewistown (water)               | 500,000              |
| 4. <u>3.</u> City of Troy (sewer)                    | 500,000              |
| 5. <u>4.</u> City of Conrad (water)                  | 180,000              |
| 6. <u>5.</u> City of Whitehall (water)               | 500,000              |
| 7. <u>6.</u> Seeley Lake Water Dist. (water)         | 464,364              |
| 8. <u>7.</u> City of Hamilton (sewer)                | 137,632              |
| 9. <u>8.</u> Gardiner Water Dist. (water)            | 300,000              |
| 10. <u>9.</u> City of Thompson Falls (sewer)         | 400,644              |
| 11. <u>10.</u> Butte-Silver Bow (sewer)              | 500,000              |
| 12. <u>11.</u> Beaverhead County (bridge)            | 23,000               |
| 13. <u>12.</u> Powell County (bridge)                | 51,334               |
| 14. <u>13.</u> Town of Fairview (water)              | 500,000              |
| 15. <u>14.</u> Town of Hysham (sewer)                | 127,500              |

(4) This section constitutes a valid obligation of funds to the entities listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 1997 biennium under 17-7-302."

**Insert:** "NEW SECTION. Section 9. Repealer. Section 9, Chapter 435, Laws of 2001, is repealed."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 12**, introduced bill, be amended as follows:

1. Page 3, line 6.

**Strike:** "Helena"

**Insert:** "Lewistown"

And, as amended, do pass. Report adopted.

**HB 276**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 9.

**Strike:** "GRANTS" on line 7 through "LEGISLATURE;" on line 9

**Insert:** "FUNDS AVAILABLE TO CERTIFIED REGIONAL DEVELOPMENT CORPORATIONS;  
STATUTORILY APPROPRIATING MONEY DEPOSITED IN THE ECONOMIC DEVELOPMENT  
SPECIAL REVENUE ACCOUNT;"

2. Title, page 1, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "17-5-703"

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**Insert:** "AND 17-7-502"

3. Page 3, line 23.

**Strike:** "From July 1, 2003, through"

**Insert:** "Until"

4. Page 3, line 24.

**Strike:** "25%"

**Insert:** "50%"

5. Page 4, line 16.

**Strike:** "The"

**Insert:** "Beginning July 1, 2005, the"

6. Page 4.

**Following:** line 15

**Insert:** "(b) From July 1, 2003, through June 30, 2005, the state treasurer shall monthly transfer from the economic development fund to the general fund the amount of earnings, excluding unrealized gains and losses."

**Renumber:** subsequent subsection

7. Page 5, line 17.

**Strike:** "25%"

**Insert:** "50%"

8. Page 6.

**Following:** line 5

**Insert:** "**Section 2.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; [section 6]; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the

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date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

**Renumber:** subsequent sections

9. Page 6, line 12.

**Strike:** "2"

**Insert:** "3"

10. Page 6, line 13.

**Strike:** "2"

**Insert:** "3"

11. Page 6.

**Following:** line 13

**Insert:** "(a) "Certified regional development corporation" means a private, nonprofit corporation that has been designated by the department through a competitive process to manage and administer funds and programs for the department on a regional basis as provided for in 90-1-116."

**Renumber:** subsequent subsections

12. Page 6, line 15 through line 20.

**Strike:** subsection (b) in its entirety

13. Page 6, line 26.

**Strike:** "local" through "organizations"

**Insert:** "certified regional development corporations"

14. Page 6, line 27.

**Strike:** "local" through "organizations"

**Insert:** "certified regional development corporations"

15. Page 7, line 2 through line 20.

**Strike:** sections 4 and 5 in their entirety

**Insert:** "NEW SECTION. Section 5. Distribution of funds. Beginning July 1, 2005, the department shall, in each fiscal year, distribute all earnings that are transferred to the economic development special revenue account in that fiscal year to certified regional development corporations in the state. The department shall distribute the earnings so that each certified regional development corporation receives an equal amount. The department may not use any of the earnings transferred to the economic development special revenue account for administrative costs."

16. Page 7, line 24.

**Following:** "account"

**Insert:** "is statutorily appropriated to the department, as provided in 17-7-502, and"

17. Page 7, line 26.

**Strike:** "2"

**Insert:** "3"

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18. Page 7, line 27.

**Strike:** "2"

**Insert:** "3"

19. Page 7.

**Following:** line 28

**Insert:** "NEW SECTION. **Section 8. Coordination instruction.** If House Bill No. 76 is not passed and approved, then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 701**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Insert:** "(3) Personal staff jointly appointed by justices or judges shall serve at the pleasure of the justices or judges who appoint them. If a judge has only one personal staff member and that person performs multiple responsibilities, the person shall serve at the pleasure of the judge regardless of the person's job title.

(4) Personal staff of justices, judges, and the clerk of the supreme court are subject to the pay matrix adopted by the supreme court under this section."

And, as amended, do pass. Report adopted.

**HB 735**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "ELIMINATING"

**Insert:** "REVISING"

2. Page 1, line 16.

**Following:** ":"

**Insert:** ":",

3. Page 1, line 20.

**Following:** "(b)"

**Insert:** "(a)"

4. Page 1, line 23.

**Strike:** ":",

**Following:** "and"

**Insert:** ":", and

(b) inclusion in a special job register from which all agencies may attempt to hire employees prior to seeking applications from the general public. Nothing in this section requires an agency to attempt to hire employees from the special job register prior to seeking applications from the general public. An employee's eligibility to participate in the job register terminates 2 years from the effective date of the employee's layoff or 2 years from the date of the employee's completion of job training provided under subsection (1)(a), whichever is later."

And, as amended, do pass. Report adopted.

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**HB 736**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "shall" through "reimbursement"

**Insert:** "appointed pursuant to subsection (3)(a) may be reimbursed"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/20/2003

**SB 316**, be concurred in. Report adopted.

**SJR 13**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 3/20/2003

**SB 331**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/20/2003

**SB 206**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 321**, be amended as follows:

1. Page 1, line 13.

**Strike:** "ten"

**Insert:** "11"

2. Page 2, line 4.

**Strike:** "and"

3. Page 2, line 5.

**Strike:** " "

**Insert:** "; and

(k) a member of the public."

And, as amended, be concurred in. Report adopted.

**SJR 7**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in: 3/20/2003

**SB 109**, introduced by McNutt

**SB 141**, introduced by Wheat

**House bills** concurred in and returned to the House: 3/20/2003

**HB 262**, introduced by Fuchs

**HB 373**, introduced by A. Olson

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

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3/20/2003

**HB 127**, introduced by Fritz  
**HB 303**, introduced by A. Olson  
**HB 583**, introduced by R. Brown

**MESSAGES FROM THE GOVERNOR**

March 19, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 29** sponsored by Representative A. Olson, **House Bill 77** sponsored by Representative Jent, and **House Bill 150** sponsored by Representative Lawson on March 19, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 101** sponsored by Representative Jent, **House Bill 116** sponsored by Representative Kaufmann, **House Bill 137** sponsored by Representative Lange, **House Bill 187** sponsored by Representative Gallus, **House Bill 321** sponsored by Representative Younkin et al., **House Bill 366** sponsored by Representative P. Clark et al., **House Bill 511** sponsored by Representative Everett et al., and **House Bill 636** sponsored by Representative Forrester et al. on March 20, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol



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Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

As of today, I have received additional information that removes the need for the amendment proposed on March 19, 2003. Therefore, I am requesting that you reject the proposed amendment on House Bill No. 87.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 94, "**AN ACT REVISING AND CLARIFYING THE PUBLIC PARTICIPATION AND NOTICE REQUIREMENTS FOR OPEN MEETINGS; PROVIDING THAT AN AGENDA FOR AN OPEN MEETING MUST INCLUDE AN ITEM ALLOWING PUBLIC COMMENT ON ANY PUBLIC MATTER WITHIN THE JURISDICTION OF THE AGENCY CONDUCTING THE MEETING; CLARIFYING THAT AN AGENCY MAY NOT TAKE ACTION ON ANY MATTER DISCUSSED UNLESS SPECIFIC NOTICE OF THAT MATTER IS INCLUDED ON AN AGENDA AND PUBLIC COMMENT HAS BEEN ALLOWED; CLARIFYING THAT THE GOVERNOR'S DUTY TO ENSURE THAT AGENCIES HAVE POLICIES AND PROCEDURES TO FACILITATE PUBLIC PARTICIPATION APPLIES TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; AMENDING SECTION 2-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

As passed, House Bill No. 94 requires that public bodies of state and local government include on the agenda of a "meeting," as defined in the open meeting law, an item allowing public comment on any public matter that is within the jurisdiction of the body. The bill also prohibits a public body from taking action on any matter unless it has accepted public comment.

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One of the main functions of many public bodies of state government is to decide contested case matters. HB 94 would require these state government boards and commissions to allow the public to comment on contested case matters. This is inconsistent with the Montana Administrative Procedure Act, which provides that the decision on a contested case must be based on the record. The record must be developed in an adversarial adjudicative process similar to court procedures. Public comment on contested cases, and other adjudicative proceedings, is therefore inappropriate.

Also, House Bill No. 94 may allow two opportunities for comment on the same matter at the same public meeting. This could occur when the agenda for the meeting contains an item inviting public comment on a matter. House Bill No. 94 may require the public body to accept public comment under that item and again during the "open mike" period that the bill requires. This second comment opportunity would unnecessarily lengthen meetings for the public-spirited Montanans who serve on our state and local government boards and commissions.

The amendments I am proposing would eliminate duplicative comment periods during a meeting and exempt contested case and other adjudicative proceedings from the public comment requirement. Representative Lawson has been contacted and agrees with these amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 94

1. Title, line 10.

**Following:** line 9

**Insert:** "CLARIFYING WHAT CONSTITUTES A PUBLIC MATTER;"

2. Page 1, line 18.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 22.

**Following:** "matter"

**Insert:** "that is not on the agenda of the meeting and that is"

4. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings."

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 758**, introduced by Devlin, Forrester, Gallus, Maedje, Shea, Tropila, referred to Taxation.

Majority Leader Brown moved that the House recess until 8:35 a.m. for caucuses. Motion carried.

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House recessed at 8:05 a.m.

House reconvened at 8:38 a.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

The House resolved itself into a Committee of the Whole for the continuation of business on second reading.  
Representative Gallus in the chair.

Representative Pattison gave opening remarks on **HB 2**, Section C: Natural Resources and Commerce.

Representative Newman moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-11, line 7.

**Strike:** "198,766 201,265" [general fund FY04 & 05]

**Insert:** "469,788 472,221" [general fund FY04 & 05]

**Strike:** "572,061 574,465" [state special revenue FY04 & 05]

**Insert:** "496,401 498,528" [state special revenue FY04 & 05]

2. Page C-11, line 9.

**Strike:** "3,273" [state special revenue FY04]

**Insert:** "2,511" [state special revenue FY04]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

Representative Musgrove moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-1, line 24.

**Strike:** "6,526,346 6,551,269" [state special FY 2004 and FY 2005]

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**Insert:** "6,549,274 6,574,160" [state special FY 2004 and FY 2005]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Haines moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 25.  
**Strike:** "160,000"  
**Insert:** "320,000"

Amendment adopted as follows:

Ayes: Ballantyne, Bergren, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jacobson, Jent, Keane, Lake, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, McKenney, Musgrove, Newman, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ryan, Schrumpf, Shockley, Sinrud, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Balyeat, Barrett, Becker, Bixby, D. Brown, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Fuchs, Gallik, Galvin-Halcro, Hurwitz, Jackson, Jayne, Kasten, Kaufmann, Lehman, Maedje, Malcolm, Matthews, Mendenhall, Noennig, A. Olson, B. Olson, Ripley, Rome, Ross, Sales, Small-Eastman, Steinbeisser, Stoker, Waitschies.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Andersen, Bitney, Juneau, Lambert, Laszloffy, Morgan.  
Total 6

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Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY04 and FY05]

**Insert:** "4,085,945 4,099,187" [state special FY04 and FY05]

**Strike:** "3,724,583 3,741,071" [federal special FY04 and FY05]

**Insert:** "3,729,282 3,745,770" [federal special FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Lenhart, Matthews, Musgrove, Newman, Raser, Small-Eastman, Smith, Wanzenried.

Total 31

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 17.

**Strike:** "4,856,159 4,874,868"

**Insert:** "4,921,028 4,939,808"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.

Total 36

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 63

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Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY04 and FY05]

**Insert:** "4,004,656 4,017,899" [state special FY04 and FY05]

2. Page C-2.

**Following:** line 15

**Insert:** "f. Nongame Wildlife Program (Restricted/OTO) 39,000 39,000" [state special FY04 and FY05]

3. Page C-4.

**Following:** line 2

**Insert:** "Item 5f contains an appropriation of \$39,000 in state special revenue in fiscal year 2004 and \$39,000 in state special revenue in fiscal year 2005 that is restricted to:

- (1) \$13,000 in fiscal year 2004 and \$13,000 in fiscal year 2005 for 25% of a native species specialist position in Billings;
- (2) \$5,000 in fiscal year 2004 to support publishing the sixth edition of Montana Bird Distribution and an updated list of Montana bird species;
- (3) \$5,000 in fiscal year 2004 to support publishing of a field guide to reptiles and amphibians;
- (4) \$5,000 in fiscal year 2004 and \$8,000 in fiscal year 2005 to support loon conservation efforts in northwestern Montana;
- (5) \$3,000 in fiscal year 2004 and \$5,000 in fiscal year 2005 to promote placement and maintenance of nesting boxes for bluebirds and other species;
- (6) \$6,000 in fiscal year 2004 and \$10,000 in fiscal year 2005 to inventory and monitor sensitive wildlife species; and
- (7) \$2,000 in fiscal year 2004 and \$3,000 in fiscal year 2005 to study statewide raptor survey routes."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Barrett, Bergren, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Everett, Franklin, Gallik, Galvin-Halcro, Jacobson, Juneau, Kasten, Kaufmann, Laslovich, Laszloffy, Lindeen, Malcolm, Parker, Raser, Ryan, Schrumpf, Small-Eastman, Wanzenried, Weiss, Wilson.

Total 29

Excused: None.

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Total 0

Absent or not voting: Smith.

Total 1

Representative Golie moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY 2004 and FY 2005]

**Insert:** "4,068,850 4,082,038" [state special FY 2004 and FY 2005]

**Strike:** "3,724,583 3,741,071" [federal special FY 2004 and FY 2005]

**Insert:** "3,741,379 3,757,830" [federal special FY 2004 and FY 2005]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-10, line 24.

**Strike:** "1,353,937 1,354,763" [general fund FY04 & 05]

**Insert:** "1,002,616 1,002,163" [general fund FY04 & 05]

2. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund FY04 & 05]

**Insert:** "98,714,627 98,951,185" [general fund FY04 & 05]

Amendment **not** adopted as follows:

Ayes: Balyeat, Buzzas, Carney, Cohenour, Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Juneau, Kaufmann, Ryan.

Total 12

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Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Pattison moved to close Section C. Motion carried.

Chairman Gallus moved that the House recess until 11:35 a.m. Motion carried.

House recessed at 11:23 a.m.

House reconvened at 11:38 a.m. All members present. Quorum present.

Representative Fisher gave opening remarks on **HB 2**, Section D: Corrections and Public Safety.

Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4.

**Following:** line 5

**Insert:** "a. Montana Food Bank Network Cannery  
100,000 100,000" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Rome, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-6, line 9.

**Strike:** "1,119,876 1,119,831" [general fund in fiscal

**Insert:** "839,907 839,873"

[general fund in fiscal years 2004 and 2005]

2. Page E-8, line 11.

**Strike:** "96,500 0"

**Insert:** "376,469 279,958"

[general fund in fiscal years 2004 and 2005]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Buzzas, Carney, Cohenour, Dowell, Erickson, Facey, Fritz, Gibson, Gutsche, Harris, Juneau, Kaufmann, Raser, Small-Eastman, Wanzenried, Windy Boy.

Total 19

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4.

**Following:** line 5

**Insert:** "a. Montana Food Bank Network Cannery  
140,000 100,000" [general fund FY04 & FY05]

2. Page D-4.

**Following:** line 17

**Insert:** "Item 4a is contingent upon passage and approval of House Bill No. 363 in a form that provides for the transfer to the general fund of at least \$21 million."

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Rome, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

Representative Facey moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4, line 7.

**Strike:** "17,514,200 17,529,269" [general fund FY04 & FY05]

**Insert:** "17,214,200 17,229,269" [general fund FY04 & FY05]

2. Page D-4.

**Following:** line 17

**Insert:** "Item 5 includes a reduction of \$300,000 of general fund money in each year of the 2005 biennium. The department may reallocate this reduction in funding among programs when developing 2005 biennium operating plans."

3. Page E-7, line 8.

**Strike:** "5,755,140 5,783,759" [general fund FY04 & FY05]

**Insert:** "5,955,140 5,983,759" [general fund FY04 & FY05]

4. Page E-8, line 11.

**Strike:** "96,500" [general fund FY04]

**Insert:** "196,500 100,000" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, D. Brown, Buzzas, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Matthews, Musgrove, Raser, Small-Eastman, Smith.  
Total 32

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, E. Clark,

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P. Clark, Cyr, Devlin, Everett, Fisher, Franklin, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: Gibson, Wanzenried.

Total 2

Representative Bergren moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-2, line 3.

**Strike:** "2,407,754 2,491,377" [general fund FY04 & FY05]

**Insert:** "2,625,722 2,634,049" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Small-Eastman moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-6.

**Following:** line 2

**Insert:** "The department shall collaborate with the bureau of Indian affairs and the appropriate Montana tribal government departments to develop strategies to include the labor market reports of the seven Montana tribal nations as a part of the Montana department of labor and industry's reports to more accurately reflect the unemployment rate of Montana's tribal nations in the state database."

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: P. Clark, Morgan.  
Total 2

Representative Fisher moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1, line 4.  
**Strike:** "10,422,968 10,418,938" [federal special FY 04 & FY05]  
**Insert:** "695,563 691,533" [federal special FY 04 & FY05]

2. Page D-1.  
**Following:** line 4  
**Insert:** "a. Federal Pass-Through Grants (Biennial)  
9,727,405 9,727,405" [federal special FY 04 & FY05]

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 83

Noes: Cohenour, Dickenson, Erickson, Forrester, Gallik, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Peterson, Shockley, Wanzenried, Witt.  
Total 16

Excused: None.  
Total 0

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Absent or not voting: R. Brown.  
Total 1

Representative Fisher moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1.

**Following:** line 7

**Insert:** "All remaining federal pass-through grant appropriations, including reversions, for the 2003 biennium are authorized to continue and are appropriated in fiscal year 2004 and fiscal year 2005."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Erickson, Forrester, Gillan, Golie, Jayne, Wanzenried.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Bergren, Dickenson.  
Total 2

Representative Fisher moved to close Section D. Motion carried.

Chairman Gallus moved that the House recess until 2:10 p.m. Motion carried.

House recessed at 2:01 p.m.

House reconvened at 2:17 p.m. All members present. Quorum present.

Representative Hedges gave opening remarks on **HB 2**, Section E: Education.

Representative Galvin-Halcro moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 10.

**Strike:** "389,833,550 382,104,968" [General Fund fiscal years 2004 and 2005]

**Insert:** "395,010,319 387,209,970" [General Fund fiscal years 2004 and 2005]

**Explanation:** This amendment adds back the 1 percent across-the-board cut (\$10.3 million general fund for the 2005 biennium) to the Office of Public Instruction.

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Branae moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 10.

**Strike:** "389,833,550 382,104,968" [General Fund in fiscal years 2004 and 2005]

**Insert:** "400,010,319 397,209,970" [General Fund in fiscal years 2004 and 2005]

**Explanation:** This amendment eliminates the 1 % across-the-board cut to the Office of Public Instruction's K-12 budget, restoring \$10.3 million, plus adds \$15 million to Base Aid to compensate for declining enrollment.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 51

Excused: None.  
Total 0

Absent or not voting: Younkin.

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Total 1

Representative Raser moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 12.

**Strike:** "34,912,640 34,912,640" [General Fund fiscal years 2004 and 2005]

**Insert:** "36,612,640 38,512,640" [General Fund fiscal years 2004 and 2005]

2. Page E-3, following line 1.

**Insert:** "If a bill is not passed and approved that raises cigarette tax revenue by at least \$5.3 million during the 2005 biennium, then funding in item 2b is reduced by \$1.7 million in general fund money in fiscal year 2004 and by \$3.6 million in general fund money in fiscal year 2005."

**Explanation:** The first amendment raises special education funding from the general fund by \$1.7 million in fiscal 2004 and by \$3.6 million in fiscal 2005. The second amendment makes this increase contingent upon any bill that is passed and approved which raises cigarette revenue by at least \$5.3 million during the 2005 biennium.

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Matthews, Morgan, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

Representative Balyeat moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 4.

**Strike:** "4,492,769 4,502,763" [General Fund in fiscal years 2004 and 2005]

**Insert:** "2,992,769 3,002,763" [General Fund in fiscal years 2004 and 2005]

2. Page E-2.

**Following:** line 17

**Insert:** "r. School Flexibility Fund

1,500,000 1,500,000" [general fund FY04 and FY05]

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**Explanation:** The first amendment reduces the general fund appropriation for the Office of Public Instruction state level activity salaries by \$1.5 million in each year of the 2005 biennium. The second amendment provides a general fund appropriation of \$1.5 million in each year of the 2005 biennium in the school flexibility fund for distribution to school districts.

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, Bookout-Reinicke, D. Brown, Devlin, Everett, Fuchs, Hawk, Kasten, Lewis, Lindeen, Mendenhall, Morgan, Pattison, Rice, Sales, Sinrud, Steinbeisser, Waitschies, Witt.  
Total 20

Noes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 80

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-2.  
**Following:** line 17  
**Insert:** "r. Indian Education for All  
60,000 60,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.



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Total 0

Absent or not voting: Erickson.

Total 1

Representative Lindeen assumed the chair.

Representative McKenney moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 7.

**Strike:** "507,637" [general fund FY04]

**Insert:** "556,637" [general fund FY04]

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Franklin, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Balyeat, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Newman, Sales, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 26

Excused: None.

Total 0

Absent or not voting: Becker, Forrester, Gallus.

Total 3

Representative Jacobson moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 15.

**Strike:** "259,396 277,798" [general fund in FY04 and FY05]

**Insert:** "281,939 301,507" [general fund in FY04 and FY05]

2. Page E-4.

**Following:** line 20

**Strike:** line 21 through line 22

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris,

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Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-5, line 23.

**Strike:** "834,409 848,129"

**Insert:** "851,923 865,502"

2. Page E-6, line 12 through line 14.

**Strike:** line 12 through line 14 in their entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Gibson moved **HB 2**, second reading copy, be further amended as follows:

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1. Page E-8, line 5.

**Strike:** "1,570,646 1,570,646" [general fund FY04 & 05]

**Insert:** "1,660,124 1,660,123" [general fund FY04 & 05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-3, line 23.

**Strike:** "308,760 308,823" [general fund FY04 and FY05]

**Insert:** "313,876 313,923" [general fund FY04 and FY05]

2. Page E-4, line 2.

**Strike:** "348,876 348,542" [general fund FY04 and FY05]

**Insert:** "351,526 351,193" [general fund FY04 and FY05]

3. Page E-4, line 4.

**Strike:** "1,004,239 1,012,210" [general fund FY04 and FY05]

**Insert:** "1,023,322 1,031,341" [general fund FY04 and FY05]

4. Page E-4, line 6.

**Strike:** "1,810,952 1,812,271" [general fund FY04 and FY05]

**Insert:** "1,854,633 1,855,976" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

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Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 6.

**Strike:** "1,810,952 1,812,271" [general fund FY04 and FY05]

**Insert:** "1,846,283 1,847,441" [general fund FY04 and FY05]

2. Page E-4, line 10 through line 12.

**Strike:** line 10 through line 12 in their entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallus reassumed the chair.

Representative Matthews moved **HB 2**, second reading copy, be further amended as follows:

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1. Page E-7.

**Following:** line 10

**Insert:** "b. Community Colleges -- Contingent Appropriation (Biennial)  
450,000 450,000" [general fund FY04 & FY05]

2. Page E-9.

**Following:** line 19

**Insert:** "Item 4b is contingent upon passage and approval of any one of the following bills:

- (1) House Bill No. 750 in a form that allocates at least \$900,000 to the community colleges in the 2005 biennium;
- (2) House Bill No. 476;
- (3) Senate Bill No. 407; or
- (4) LC 1931."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, P. Clark, Fuchs, Golie, Juneau, Sales, Shockley.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8.

**Following:** line 9

**Insert:** "j. Additional Funding for Colleges of Technology (Restricted/Biennial)  
2,000,000" [general fund FY04]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

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Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 16.  
**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]  
**Insert:** "102,563,306 102,798,585" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative A. Olson moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8.  
**Following:** line 15  
**Insert:** "b. Teacher Loan Repayment Assistance Program  
330,000 660,000" [general fund FY04 & FY05]

2. Page E-11.  
**Following:** line 6

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**Insert:** "Item 9b is contingent upon passage and approval of House Bill No. 107 and House Bill No. 124."

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Cohenour, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Peterson, Ross, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Andersen, Balyeat, Becker, Bergren, Bixby, D. Brown, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Galvin-Halcro, Gillan, Golie, Hawk, Jackson, Jayne, Jent, Juneau, Kasten, Laslovich, Laszloffy, Lindeen, Malcolm, Morgan, Musgrove, Newman, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Sinrud, Waitschies, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Forrester, Schrumpf.  
Total 2

Representative Gutsche moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 4.  
**Strike:** "8,637,879 8,892,816" [general fund FY04 & FY05]  
**Insert:** "9,262,879 9,517,816" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Representative Harris moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7.

**Following:** line 4

**Insert:** "a. Increased Student Assistance Funding (Restricted)  
825,000 825,000" [general fund FY04 & FY05]

2. Page E-7, line 20.

**Strike:** "9,980,299 9,980,299" [general fund FY04 & FY05]

**Insert:** "11,030,299 11,030,299" [general fund FY04 & FY05]

3. Page E-7, line 24.

**Strike:** "4,338,100 4,338,100" [general fund FY04 & FY05]

**Insert:** "4,663,100 4,663,100" [general fund FY04 & FY05]

4. Page E-8.

**Following:** line 9

**Insert:** "j. Experimental Program to Stimulate Competitive Research -- State Match (Restricted)  
1,250,000 1,250,000" [general fund FY04 & FY05]

"k. Life Safety, Code Compliance, and Disability Access (Restricted)  
450,000 450,000" [general fund FY04 & FY05]

5. Page E-9.

**Following:** line 11

**Insert:** "Item 2a is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

6. Page E-10.

**Following:** line 18

**Insert:** "Item 7b includes \$1,050,000 of general fund money in fiscal year 2004 and \$1,050,000 of general fund money in fiscal year 2005 and is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

7. Page E-10.

**Following:** line 24

**Insert:** "Item 7d includes \$325,000 of general fund money in fiscal year 2004 and \$325,000 of general fund money in fiscal year 2005 and is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

8. Page E-11.

**Following:** line 6

**Insert:** "Item 7j is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

Item 7k is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

Amendment adopted as follows:



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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Newman, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 59

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Morgan, Noennig, A. Olson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Sinrud, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 16.  
**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]  
**Insert:** "101,879,235 103,234,248" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 11.

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**Strike:** " 96,500        0" [general fund FY04 & 05]  
**Insert:** "371,500    275,000" [general fund FY04 & 05]  
**Strike:** "     0        0" [state special revenue FY04 & 05]  
**Insert:** "100,000    100,000" [state special revenue FY04 & 05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative A. Olson moved to reconsider action on his **amendment HB2-4027**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Golie.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Ross, Wanzenried.  
Total 2

Representative Sales moved to reconsider action on Harris's **amendment HB2-4033**.

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Representative Golie moved to table previous motion. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Matthews, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rome, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 62

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lange, Lehman, Lewis, Maedje, Malcolm, McKenney, Morgan, A. Olson, Pattison, Rice, Ripley, Roberts, Ross, Sales, Shockley, Sinrud, Wagman, Waitschies, Witt, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

Representative Hedges moved to close Section E. Motion carried.

Representative Windy Boy excused at this time.

Motion that **HB 2**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Voted Absentee: Windy Boy, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 44

Excused: Windy Boy.  
Total 1

Absent or not voting: Erickson.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/21/2003  
Correctly printed: **SB 206, SB 316, SB 331, SJR 7, SJR 13.**  
Correctly engrossed: **HB 3, HB 4, HB 6, HB 7, HB 8, HB 10, HB 11, HB 12, HB 276, HB 701, HB 735, HB 736, SB 321.**  
Signed by the Speaker at 11:15 a.m., March 21, 2003: **HB 154, HB 156, HB 172, HB 252, HB 305, HB 391, HB 429, HB 436, HB 621, HJR 25.**  
Signed by the Speaker at 12:20 p.m., March 21, 2003: **HB 246, HB 339, HB 402, HB 635, HJR 9.**

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 759**, introduced by Peterson, Brueggeman, Lambert, Malcolm, Rice, Ripley, Small-Eastman, Smith, Steinbeisser (by request of the House Agriculture Standing Committee), referred to Agriculture.  
**HB 760**, introduced by Dowell, R. Brown, Buzzas, Cohenour, Cooney, Devlin, Erickson, Gillan, Hedges, Juneau, Lewis, Mood, B. Olson, Perry, Stapleton, Stonington, Wheat, referred to Taxation.  
**HB 761**, introduced by Haines, Brueggeman, Facey, Fisher, Morgan, Pattison, Raser, Shockley, Wanzenried, referred to Appropriations.

**ANNOUNCEMENTS**

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Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 22, 2003. Motion carried.

House adjourned at 7:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 22, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Balyeat. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Juneau and Windy Boy, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the day:

Kenny Cranmer, Helena  
James Lund, Havre  
Colt Sales, Bozeman  
Anna Metropoulos, Helena

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 2** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 45

Excused: Juneau, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**SB 143** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan,

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Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Barrett, Lewis, Maedje, Malcolm, Pattison, Ripley, Rome, Shockley, Sinrud.

Total 9

Excused: Juneau, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**SJR 24** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Barrett, Cohenour, Fuchs, Gallik, Gillan, Golie, Maedje, Malcolm, Smith, Wilson.

Total 10

Excused: Juneau, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**SB 100**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, P. Clark, Franklin, Galvin-Halcro, Gillan, Harris, Lawson, Wanzenried.

Total 8

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Excused: Juneau, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

**SB 104**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Gillan, Sinrud.  
Total 2

Excused: Juneau, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 558** - Representative R. Brown moved consideration of **HB 558** be passed for the day. Motion carried.

**HB 628** - Representative R. Brown moved consideration of **HB 628** be passed for the day. Motion carried.

**HB 685** - Representative R. Brown moved consideration of **HB 685** be passed for the day. Motion carried.

**HB 663** - Representative Laslovich moved **HB 663** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney,



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Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Franklin, Gillan.

Total 2

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 741** - Representative Lindeen moved **HB 741** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 89

Noes: Andersen, Bookout-Reinicke, Devlin, Everett, Gillan, Kasten, Mendenhall, Pattison, Sales, Waitschies, Mr. Speaker.

Total 11

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 744** - Representative E. Clark moved **HB 744** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss,

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Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Dickenson, Gallik, Gibson, Gillan, Golie, Sales, Sinrud, Wilson.  
Total 8

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Hedges.  
Total 1

**HB 6** - Representative Witt moved **HB 6** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Bergren, Gillan, Laszloffy, Sales.  
Total 5

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 7** - Representative Witt moved **HB 7** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

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Noes: Balyeat, Dowell, Gallik, Gillan, Harris, Laszloffy, Sales, Weiss.  
Total 8

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 8** - Representative Witt moved **HB 8** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Jayne, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jent, Juneau, Keane, Laslovich, Musgrove, Parker, Raser, Sales, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 40

Voted Absentee: Juneau, Windy Boy, Noes.

Excused: None.  
Total 0

Absent or not voting: Jackson, Laszloffy, Ripley, Shockley.  
Total 4

**HB 701** - Representative Newman moved **HB 701** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Gillan, Rice, Shockley.  
Total 3

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Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Laszloffy.  
Total 1

**HB 736** - Representative R. Brown moved **HB 736** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Cyr, Dickenson, Everett, Franklin, Gillan, Golie, Kasten, Mendenhall, Sales, Sinrud, Weiss.  
Total 12

Voted Absentee: Juneau, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Balyeat, Becker, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Keane, Musgrove, Parker, Raser, Sales, Sinrud, Smith, Wanzenried, Weiss, Wilson.  
Total 33

Excused: Juneau, Windy Boy.

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Total 2

Absent or not voting: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 762**, introduced by Brueggeman, referred to Appropriations.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, March 24, 2003. Motion carried.

House adjourned at 9:16 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 25, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ripley. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives McKenney and Morgan, excused. Quorum present.

Mr. Speaker introduced Pat Hamilton, a teacher at the Broadwater High School, and five students from his Junior class, Emily Carleton, Daniel Trusdale, Chris Langstaff and Callie Kimpton who profiled pioneering women of Montana in honor of National Women's History Month.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/25/2003

Correctly engrossed: **HB 721**.

Correctly enrolled: **HB 30, HB 60, HB 176, HB 443, HB 656, HB 683, HJR 5**.

Examined by the sponsor and found to be correct: **HB 30, HB 60, HB 176, HB 443, HB 656, HB 683, HJR 5**.

Signed by the Speaker at 12:50 p.m., March 25, 2003: **HB 30, HB 60, HB 176, HB 443, HB 656, HB 683, HJR 5**.

Delivered to the Governor for approval at 11:40 a.m., March 25, 2003: **HB 246, HB 262, HB 339, HB 373, HB 402, HB 635**.

**APPROPRIATIONS** (Lewis, Chairman): 3/25/2003

**HB 750**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** line 4

**Insert:** "REVISING THE ALLOCATION OF CIGARETTE TAXES; TEMPORARILY REVISING THE INSIGNIA DISCOUNT;"

2. Title, line 7.

**Following:** "16-11-111"

**Insert:** ", 16-11-114,"

3. Page 1, line 18.

**Strike:** "43"

**Insert:** "50"

**Strike:** "and"

4. Page 1, line 19.

**Strike:** "after June 30"

**Insert:** "beginning July 1"

**Strike:** "18"

**Insert:** "25"

**Following:** "cents"

**Insert:** "; and (iii) beginning July 1, 2013, 18 cents"

5. Page 2, line 17.

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**Insert:** "Section 2. Section 16-11-114, MCA, is amended to read:

**"16-11-114. Insignia discount.** Each licensed wholesaler is entitled to purchase an insignia at full face value less the following percentage of the face value upon payment for the insignia as defrayment of the costs of affixing insignia and precollecting the tax on behalf of the state of Montana:

(1) 2.26% from July 1, 2003, through June 30, 2005, 4.36% from July 1, 2005, through June 30, 2013, and after that date 6% for the first 2,580 cartons or portion ~~thereof~~ of 2,580 cartons purchased in any calendar month;

(2) 1.51% from July 1, 2003, through June 30, 2005, 2.91% from July 1, 2005, through June 30, 2013, and after that date 4% for the next 2,580 cartons or portion ~~thereof~~ of 2,580 cartons purchased in any calendar month; and

(3) 1.13% from July 1, 2003, through June 30, 2005, 2.18% from July 1, 2005, through June 30, 2013, and after that date 3% for purchases in excess of 5,160 cartons in any calendar month.""

**Renumber:** subsequent sections

6. Page 2, line 24.

**Strike:** "4.65%"

**Insert:** "3.92%"

**Strike:** "and"

7. Page 2, line 25.

**Strike:** "after June 30"

**Insert:** "beginning July 1"

**Strike:** "11.11%"

**Insert:** "7.84%; and (c) beginning July 1, 2013, 11.11%"

8. Page 2, line 28.

**Strike:** "88.72%"

**Insert:** "80.16%"

**Strike:** "and"

9. Page 2, line 29.

**Strike:** "after June 30"

**Insert:** "beginning July 1"

**Strike:** "73.04%"

**Insert:** "60.01%; and (c) beginning July 1, 2013, 73.04%"

10. Page 3, line 2.

**Strike:** "6.63%"

**Insert:** "5.59%"

**Strike:** "and"

11. Page 3, line 3.

**Strike:** "after June 30"

**Insert:** "beginning July 1"

**Strike:** "15.85%"

**Insert:** "11.19%; and (c) beginning July 1, 2013, 15.85%"

12. Page 3, line 4.

**Following:** line 3

**Insert:** "(4) From July 1, 2003, through June 30, 2005, the amount of 10.33% must be deposited in the coal severance tax permanent fund provided for in 17-5-703, and from July 1, 2005, through June 30, 2013, 20.96% must be

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deposited in the coal severance tax permanent fund provided for in 17-5-703."

13. Page 3, line 5.

**Following:** "fund."

**Insert:** "(1)"

14. Page 3, line 9.

**Following:** line 8

**Insert:** "(2) Prior to making the transfer authorized in this section, the budget director shall enter into an irrevocable contract with the director of the department of revenue that incorporates the provisions of [section 6] and 16-11-119(4). The transfer authorized in this section may not be made until the irrevocable contract has been executed."

15. Page 3, line 9.

**Insert:** "NEW SECTION. Section 5. Transition. All wholesalers, distributors, and retailers shall pay the difference in tax between the former tax rate and the new tax rate on that portion of inventory subject to tax held by them on July 1, 2003, that exceeds all inventory subject to tax held by them on the last day of their most recently concluded income tax reporting year."

**Insert:** "NEW SECTION. Section 6. Pledge. In accordance with the constitutions of the United States and the state of Montana, the state pledges that it will not in any way impair the obligations of any agreement between the budget director and the department of revenue concerning the levy, collection, and deposit of cigarette taxes."

**Renumber:** subsequent sections

16. Page 3, line 12.

**Strike:** "\$29 million"

**Insert:** "\$4,625,445"

17. Page 3, line 13.

**Strike:** "\$5 million"

**Insert:** "\$8,194,680"

18. Page 3, line 14.

**Strike:** "\$11 million"

**Insert:** "\$6,630,586"

**Strike:** "and"

19. Page 3.

**Following:** line 14

**Insert:** "(4) \$5,126,448 to the office of public instruction;"

**Renumber:** subsequent subsection

20. Page 3, line 15.

**Strike:** "\$4 million"

**Insert:** "\$3,600,000"

**Strike:** "."

**Insert:** ";"

21. Page 3, line 16.

**Following:** line 15



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**Insert:** "(6) \$2,034,940 to the legislative branch;  
(7) \$581,197 to the governor's office;  
(8) \$6,404 to the commissioner of political practices;  
(9) \$1,071,153 to the department of revenue;  
(10) \$135,075 to the department of administration;  
(11) \$19,653 to the appellate defender commission;  
(12) \$511,867 to the department of fish, wildlife, and parks;  
(13) \$823,858 to the department of environmental quality;  
(14) \$10,597 to the department of livestock;  
(15) \$1,687,300 to the department of natural resources and conservation;  
(16) \$68,882 to the department of agriculture;  
(17) \$1,114,085 to the department of commerce;  
(18) \$32,922 to the crime control division;  
(19) \$590,092 to the department of justice;  
(20) \$198,725 to the department of labor and industry;  
(21) \$46,926 to the department of military affairs;  
(22) \$33,343 to the Montana school for the deaf and blind;  
(23) \$46,252 to the Montana arts council;  
(24) \$371,695 to the Montana state library commission; and  
(25) \$34,887 to the Montana historical society."

22. Page 3, line 21.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):  
**SB 363**, be amended as follows:

3/24/2003

1. Title, line 4.

**Following:** "CASES"

**Insert:** "OTHER THAN CLASS ACTION LAWSUITS"

2. Page 1, line 20.

**Following:** "LESS."

**Insert:** "This subsection does not limit punitive damages that may be awarded in class action lawsuits."

And, as amended, be concurred in. Report adopted.

**EDUCATION** (Andersen, Chairman):  
**SB 380**, be concurred in. Report adopted.  
**SB 441**, be amended as follows:

3/25/2003

1. Page 4, line 19.

**Following:** "impact"

**Insert:** "aid"

2. Page 4, lines 20 and 21.

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**Strike:** "7003(B) minus the annual"

**Insert:** "7703(b), but excludes revenue received for impact aid"

**Following:** "education" on line 20

**Strike:** remainder of line 20 through "received" on line 21

**Strike:** "7003(D)"

**Insert:** "7703(d)"

**Following:** "AND" on line 21

**Insert:** "impact aid construction under"

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):  
**SB 105**, be amended as follows:

3/25/2003

1. Page 3, line 8.

**Strike:** "and family services"

2. Page 8, line 24.

**Strike:** "and family services"

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**SB 113**, be amended as follows:

1. Page 9, line 13 through line 15.

**Strike:** line 13 through line 15 in their entirety

**Insert:** "health maintenance organization as defined in 33-31-102."

2. Page 10, line 11.

**Following:** "rights,"

**Insert:** "individual resident treatment and habilitation needs,"

3. Page 10, line 13 through line 14.

**Following:** "recordkeeping."

**Strike:** remainder of line 13 through line 14

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/25/2003

**SB 133**, be concurred in. Report adopted.

**SB 329**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 364**, be amended as follows:

1. Title, page 1, line 4.

**Following:** "CRIMINAL"

**Insert:** "DISTRIBUTION,"

2. Title, page 1, line 5.

**Following:** "PRODUCTION"

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**Insert:** ", "

3. Page 2, line 19.

**Following:** "to"

**Insert:** "or"

4. Page 2, line 20.

**Following:** "to the"

**Insert:** "criminal distribution of dangerous drugs, as prohibited by 45-9-101, the"

5. Page 1, line 22.

**Strike:** "OR"

**Insert:** "."

6. Page 2, line 26 through page 3, line 2.

**Strike:** subsection (C) in its entirety

And, as amended, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/25/2003

**HB 749**, introduced bill, be amended as follows:

1. Title, page 1, line 23.

**Following:** "PROGRAM;"

**Insert:** "ALLOWING THE QUALIFIED ELECTORS OF MONTANA TO APPROVE OR REJECT THE SALES TAX  
AND USE TAX LAWS BY PROVIDING A CONTINGENT TERMINATION OF THIS ACT;"

2. Title, page 1, line 24.

**Following:** "15-30-103,"

**Insert:** "15-30-111,"

3. Title, page 1, line 29.

**Following:** "DATE"

**Insert:** ", "

**Strike:** "AND"

**Following:** "DATES"

**Insert:** ", AND A CONTINGENT TERMINATION DATE"

4. Page 2, line 3.

**Strike:** "52"

**Insert:** "53"

5. Page 2, line 6.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

6. Page 7, line 7.

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**Strike:** "32"  
**Insert:** "33"

7. Page 8, line 12.  
**Strike:** "52"  
**Insert:** "53"

8. Page 9, line 24.  
**Strike:** "52"  
**Insert:** "53"

9. Page 10, line 18.  
**Strike:** "52"  
**Insert:** "53"

10. Page 10, line 29.  
**Strike:** "52"  
**Insert:** "53"

11. Page 11, line 30.  
**Strike:** "32"  
**Insert:** "33"

12. Page 12, line 6.  
**Strike:** "32"  
**Insert:** "33"

13. Page 12, line 9.  
**Strike:** "52"  
**Insert:** "53"

14. Page 12, line 11.  
**Strike:** "52"  
**Insert:** "53"

15. Page 12, line 28.  
**Strike:** "52"  
**Insert:** "53"

16. Page 13, line 3.  
**Strike:** "52"  
**Insert:** "53"

17. Page 14, line 3.  
**Strike:** "35"  
**Insert:** "36"

18. Page 16, line 7.  
**Following:** the first "vehicle"

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**Insert:** ", except a motor home, as defined in 61-1-130,"

19. Page 16.

**Following:** line 10

**Insert:** "(3) The sale of a motor home, as defined in 61-1-130, is subject to the sales tax and use tax."

20. Page 18.

**Following:** line 14

**Insert:** "NEW SECTION. Section 24. Exemption -- special fuel. The sale and use of special fuel that is exempt from taxation under Title 15, chapter 70, part 3, are exempt from the sales tax and use tax."

**Renumber:** subsequent sections

21. Page 19, line 27.

**Strike:** "24(1)(b)(ii)"

**Insert:** "25(1)(b)(ii)"

22. Page 21, line 16.

**Strike:** "26(2)(b)"

**Insert:** "27(2)(b)"

23. Page 21, line 25.

**Strike:** "26(2)(b)"

**Insert:** "27(2)(b)"

24. Page 22, line 21.

**Strike:** "33(1)(c)"

**Insert:** "34(1)(c)"

25. Page 23, line 8.

**Strike:** "52"

**Insert:** "53"

26. Page 23, line 21.

**Strike:** "52"

**Insert:** "53"

27. Page 23, line 26.

**Strike:** "52"

**Insert:** "53"

**Strike:** "37"

**Insert:** "38"

**Strike:** "42"

**Insert:** "43"

28. Page 23, line 27.

**Strike:** "52"

**Insert:** "53"

29. Page 24, line 6.

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**Strike:** "52"  
**Insert:** "53"

30. Page 25, line 4.  
**Strike:** "52"  
**Insert:** "53"

31. Page 25, line 5.  
**Strike:** "42"  
**Insert:** "43"

32. Page 25, line 6.  
**Strike:** "32"  
**Insert:** "33"

33. Page 25, line 10.  
**Strike:** "52"  
**Insert:** "53"

34. Page 25, line 23.  
**Strike:** "52"  
**Insert:** "53"

35. Page 26, line 17.  
**Strike:** "52"  
**Insert:** "53"

36. Page 26, line 18.  
**Strike:** "52"  
**Insert:** "53"

37. Page 26, line 22.  
**Strike:** "52"  
**Insert:** "53"

38. Page 27, line 6.  
**Strike:** "39"  
**Insert:** "40"

39. Page 28, line 9.  
**Strike:** "39"  
**Insert:** "40"

40. Page 28, line 17.  
**Strike:** "32"  
**Insert:** "33"

41. Page 28, line 20.  
**Strike:** "32"

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**Insert:** "33"

42. Page 28, line 25.

**Strike:** "52"

**Insert:** "53"

43. Page 28, line 29.

**Strike:** "39"

**Insert:** "40"

44. Page 29, line 16.

**Strike:** "52"

**Insert:** "53"

45. Page 29, line 19.

**Strike:** "52"

**Insert:** "53"

46. Page 29, line 20.

**Strike:** "52"

**Insert:** "53"

47. Page 30, line 2.

**Strike:** "52"

**Insert:** "53"

48. Page 30, line 21.

**Strike:** "52"

**Insert:** "53"

49. Page 31, line 4.

**Strike:** "52"

**Insert:** "53"

50. Page 31, line 6.

**Strike:** "52"

**Insert:** "53"

51. Page 31, line 8.

**Strike:** "52"

**Insert:** "53"

52. Page 31, line 9.

**Strike:** "52"

**Insert:** "53"

53. Page 31, line 19.

**Strike:** "52" in both places

**Insert:** "53" in both places

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54. Page 31, line 25.

**Strike:** "52"

**Insert:** "53"

55. Page 32, line 1.

**Strike:** "52"

**Insert:** "53"

56. Page 32, line 21.

**Strike:** "52"

**Insert:** "53"

57. Page 33, line 2.

**Strike:** "52" in both places

**Insert:** "53" in both places

58. Page 33, line 8.

**Strike:** "52"

**Insert:** "53"

59. Page 33, line 19.

**Strike:** "52"

**Insert:** "53"

60. Page 33, line 23.

**Strike:** "52"

**Insert:** "53"

61. Page 33, line 27.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

62. Page 33, line 30.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

63. Page 34, line 22.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

64. Page 37, line 24.

**Strike:** "52"



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**Insert:** "53"

65. Page 37, line 25.

**Strike:** "52"

**Insert:** "53"

66. Page 38, line 19.

**Following:** "20-9-360"

**Insert:** ", multiplied by the ratio that the taxpayer's Montana source income bears to the taxpayer's total income from all sources"

67. Page 38, line 29.

**Strike:** "62"

**Insert:** "63"

68. Page 39, line 7.

**Following:** "20-9-360"

**Insert:** ", multiplied by the ratio that the taxpayer's Montana source income, as defined in 15-30-101, bears to the taxpayer's total income from all sources"

69. Page 39, line 15.

**Strike:** "64"

**Insert:** "65"

70. Page 40, line 5.

**Strike:** "61"

**Insert:** "62"

71. Page 43, line 9.

**Strike:** "62"

**Insert:** "63"

**Strike:** "64"

**Insert:** "65"

72. Page 49.

**Following:** line 26

**Insert:** "**Section 73.** Section 15-30-111, MCA, is amended to read:

**"15-30-111. (Temporary) Adjusted gross income.** (1) Adjusted gross income is the taxpayer's federal income tax adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, 26 U.S.C. 62, as that section may be amended, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code of 1986, 26 U.S.C. 852(b)(5), as that section may be amended or renumbered, that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code of 1954

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that has been reduced by any federal taxes paid by the subchapter S corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105(15);

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted; and

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period.

(2) Notwithstanding the provisions of the ~~federal Internal Revenue Code of 1954, as labeled or amended,~~ adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, a county, municipality, or district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code ~~of 1986, 26 U.S.C. 852(b)(5), as that section may be amended or renumbered,~~ that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

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(o) deposits, not exceeding the amount set forth in 15-30-603, deposited in a Montana farm and ranch risk management account, as provided in 15-30-601 through 15-30-605, in any tax year for which a deduction is not provided for federal income tax purposes; ~~and~~

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-142.

(q) 50% of the total net capital gain determined for federal income tax purposes under 26 U.S.C. 1(h).

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code ~~of 1954, 26 U.S.C. 38 and 51(a), as those sections may be labeled or amended;~~ is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion ~~and before application of the two-earner married couple deduction~~ exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(7) Married taxpayers who file a joint federal return and who make an election on the federal return to defer income ratably for 4 tax years because of a conversion from an IRA other than a Roth IRA to a Roth IRA, pursuant to section 408A(d)(3) of the Internal Revenue Code, 26 U.S.C. 408A(d)(3), may file separate Montana income tax returns to defer the full taxable conversion amount from Montana adjusted gross income for the same time period. The deferred amount must be attributed to the taxpayer making the conversion.

(8) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)

**15-30-111. (Effective on occurrence of contingency) Adjusted gross income.** (1) Adjusted gross income is the taxpayer's federal ~~income tax~~ adjusted gross income as defined in section 62 of the Internal Revenue Code ~~of 1954, 26 U.S.C. 62, as that section may be labeled or amended;~~ and in addition includes the following:

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(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code ~~of 1986~~, 26 U.S.C. 852(b)(5), ~~as that section may be amended or renumbered~~; that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code ~~of 1954~~ that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105(15);

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted; and

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period.

(2) Notwithstanding the provisions of the ~~federal~~ Internal Revenue Code ~~of 1954~~, ~~as labeled or amended~~, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, a county, municipality, or district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code ~~of 1986~~, 26 U.S.C. 852(b)(5), ~~as that section may be amended or renumbered~~; that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201

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or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-603, deposited in a Montana farm and ranch risk management account, as provided in 15-30-601 through 15-30-605, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-142.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303.

(r) 50% of the total net capital gain determined for federal income tax purposes under 26 U.S.C. 1(h).

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code of 1954, 26 U.S.C. 38 and 51(a), as those sections may be labeled or amended, is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion ~~and before application of the two-earner married couple deduction~~ exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(7) Married taxpayers who file a joint federal return and who make an election on the federal return to defer income ratably for 4 tax years because of a conversion from an IRA other than a Roth IRA to a Roth IRA, pursuant to section 408A(d)(3) of the Internal Revenue Code, 26 U.S.C. 408A(d)(3), may file separate Montana income tax returns to defer the full taxable conversion amount from Montana adjusted gross income for the same time period. The deferred amount must be attributed to the taxpayer making the conversion.

(8) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of \$3,000 or the amount of the contribution. In the case

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of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

**Renumber:** subsequent sections

73. Page 54, line 7.

**Following:** "and"

**Insert:** "and"

74. Page 54, line 9 through line 11.

**Strike:** ":", and" on line 9 through "purposes" on line 11

75. Page 62, line 8.

**Strike:** "61"

**Insert:** "62"

76. Page 88, line 15.

**Strike:** "52"

**Insert:** "53"

77. Page 90, line 5.

**Strike:** "61"

**Insert:** "62"

78. Page 91, line 19.

**Strike:** "52"

**Insert:** "53"

79. Page 91, line 29.

**Strike:** "61"

**Insert:** "62"

80. Page 92, line 27.

**Strike:** "52"

**Insert:** "53"

81. Page 93, line 7.

**Strike:** "61"

**Insert:** "62"

82. Page 94, line 20.

**Strike:** "52"

**Insert:** "53"

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83. Page 95, line 5.

**Strike:** "61"

**Insert:** "62"

84. Page 95, line 25.

**Strike:** "52"

**Insert:** "53"

85. Page 96, line 20.

**Strike:** "61"

**Insert:** "62"

86. Page 97, line 9.

**Strike:** "52"

**Insert:** "53"

**Strike:** "62"

**Insert:** "63"

**Strike:** "65"

**Insert:** "66"

87. Page 97, line 10.

**Strike:** "66"

**Insert:** "67"

**Strike:** "108"

**Insert:** "110"

88. Page 97, line 12.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

89. Page 97, line 14.

**Strike:** "66"

**Insert:** "67"

**Strike:** "108"

**Insert:** "110"

90. Page 97, line 20.

**Strike:** "60"

**Insert:** "61"

91. Page 97, line 21.

**Strike:** "60"

**Insert:** "61"

92. Page 97, line 22.

**Strike:** "61"

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**Insert:** "62"

93. Page 97, line 23.

**Strike:** "61"

**Insert:** "62"

94. Page 97, line 24.

**Strike:** "62"

**Insert:** "63"

**Strike:** "63"

**Insert:** "64"

95. Page 97, line 25.

**Strike:** "62"

**Insert:** "63"

**Strike:** "63"

**Insert:** "64"

96. Page 97, line 26.

**Strike:** "64"

**Insert:** "65"

**Strike:** "65"

**Insert:** "66"

97. Page 97, line 27.

**Strike:** "64"

**Insert:** "65"

**Strike:** "65"

**Insert:** "66"

98. Page 98, line 7.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

99. Page 98, line 8.

**Strike:** "31"

**Insert:** "32"

**Strike:** "34"

**Insert:** "35"

**Strike:** "36"

**Insert:** "37"

**Strike:** "39"

**Insert:** "40"

**Strike:** "41"

**Insert:** "42"

**Strike:** "43"



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**Insert:** "44"  
**Strike:** "47"  
**Insert:** "48"  
**Strike:** "49"  
**Insert:** "50"  
**Strike:** "52"  
**Insert:** "53"

100. Page 98, line 9.

**Strike:** "61"  
**Insert:** "62"  
**Strike:** "108"  
**Insert:** "110"

101. Page 98.

**Following:** line 10

**Insert:** "NEW SECTION. Section 116. Contingent termination. [This act] terminates December 31, 2009, unless the legislature refers a measure to the qualified electors of Montana at the general election to be held in November 2008 to extend the sales tax and use tax laws enacted by [this act] and the electors approve the measure."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 3/24/2003

**SB 296**, introduced by Taylor

**House bills** concurred in and returned to the House: 3/24/2003

**HB 63**, introduced by Kasten  
**HB 122**, introduced by Forrester  
**HB 129**, introduced by Gutsche  
**HB 165**, introduced by Lake  
**HB 174**, introduced by B. Thomas  
**HB 182**, introduced by Rome  
**HB 185**, introduced by Wilson  
**HB 236**, introduced by Erickson  
**HB 284**, introduced by Gillan  
**HB 312**, introduced by Lindeen  
**HB 319**, introduced by Lawson  
**HB 368**, introduced by Devlin  
**HB 416**, introduced by Younkin  
**HB 420**, introduced by Lake  
**HB 441**, introduced by Cyr  
**HB 616**, introduced by Younkin  
**HB 627**, introduced by Lindeen  
**HB 711**, introduced by Gallus

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**House joint resolutions** concurred in and returned to the House:

3/24/2003

**HJR 10**, introduced by Lawson  
**HJR 11**, introduced by Smith  
**HJR 20**, introduced by Roberts  
**HJR 28**, introduced by Lange  
**HJR 34**, introduced by Balyeat

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/24/2003

**HB 17**, introduced by Newman  
**HB 40**, introduced by Newman  
**HB 145**, introduced by McKenney  
**HB 157**, introduced by Haines  
**HB 179**, introduced by Matthews  
**HB 199**, introduced by Harris  
**HB 220**, introduced by Laszloffy  
**HB 237**, introduced by Brueggeman  
**HB 285**, introduced by R. Brown  
**HB 315**, introduced by Lawson  
**HB 480**, introduced by Steinbeisser  
**HB 573**, introduced by Parker  
**HB 584**, introduced by Barrett  
**HB 618**, introduced by Dickenson

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/24/2003

**HJR 8**, introduced by Juneau

**House bill** not concurred in and returned to the House:

3/24/2003

**HB 610**, introduced by Bergren

**House joint resolution** not concurred in and returned to the House:

3/24/2003

**HJR 24**, introduced by D. Brown

**MESSAGES FROM THE GOVERNOR**

March 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

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Please be informed that I have signed **House Bill 49** sponsored by Representative Haines, **House Bill 72** sponsored by Representative Mendenhall, **House Bill 117** sponsored by Representative Kaufmann, **House Bill 166** sponsored by Representative Wanzenried, **House Bill 325** sponsored by Representative Witt et al., **House Bill 378** sponsored by Representative Small-Eastman, **House Bill 427** sponsored by Representative Gutsche, **House Bill 450** sponsored by Representative Newman, and **House Bill 542** sponsored by Representative Franklin et al. on March 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 763**, introduced by Gillan, Forrester, Franklin, Golie, Lenhart, Matthews, Raser, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 37**, introduced by Noennig, McGee, Wanzenried, Wheat, referred to Natural Resources.

**HJR 38**, introduced by Erickson, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 296**, introduced by Taylor, Cooney, referred to State Administration.

Majority Leader Brown moved that the House recess until 1:55 p.m. Motion carried.

House recessed at 1:35 p.m.

House reconvened at 1:56 p.m. All members present except Representative Morgan. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Ryan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 3** - Representative Brueggeman moved **HB 3** do pass.

Representative Wanzenried moved **HB 3**, second reading copy, be amended as follows:

1. Page 1, line 27.

**Strike:** "1,940,000"

**Insert:** "2,640,000"

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Explanation: This makes the supplemental for general fund base aid to schools for fiscal 2003 consistent with the revenue estimate in HJR 2 for common school interest and income in the guarantee fund for fiscal 2003.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 3** do pass carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lenhart, Lindeen, Matthews, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Sales, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Voted Absentee: Morgan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 4** - Representative Brueggeman moved **HB 4** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Callahan, Dowell, Gallik, Lindeen, Mendenhall, Musgrove, Raser, Sales, Wanzenried, Weiss.

Total 11

Voted Absentee: Morgan, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 10** - Representative Maedje moved **HB 10** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Small-Eastman.

Total 1

Voted Absentee: Morgan, Aye.

Excused: None.

Total 0

Absent or not voting: Gillan, Keane.

Total 2

**HB 11** - Representative Kasten moved **HB 11** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

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Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Balyeat.  
Total 1

Voted Absentee: Morgan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 12** - Representative Kasten moved **HB 12** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Sales.  
Total 2

Voted Absentee: Morgan, Aye.

Excused: None.  
Total 0

Absent or not voting: Lewis.  
Total 1

**HB 276** - Representative Lindeen moved **HB 276** do pass. Motion carried as follows:

Ayes: Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman,

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Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 77

Noes: Andersen, Ballantyne, Balyeat, Bixby, D. Brown, R. Brown, Erickson, Everett, Fisher, Fuchs, Gallik, Gutsche, Hawk, Hedges, Kasten, Kaufmann, Malcolm, A. Olson, Ross, Sales, Steinbeisser.

Total 21

Voted Absentee: Morgan, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Franklin.

Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Ryan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Buzzas, Callahan, Cohenour, Cyr, Dowell, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Juneau, Keane, Laslovich, Parker, Raser, Ryan, Wanzenried, Wilson.

Total 20

Excused: Morgan.

Total 1

Absent or not voting: Bixby.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 206**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

**HB 558** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Bixby, Franklin, Fuchs, Juneau, Sales.

Total 6

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

**HB 628** passed as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Lehman, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, Peterson, Roberts, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, Cohenour, Devlin, Everett, Fisher,



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Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Laslovich, Laszloffy, Lawson, Maedje, Malcolm, McKenney, Mendenhall, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Wagman, Waitschies, Wilson.

Total 45

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

**HB 735** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Devlin, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Becker, Branae, Buzzas, Carney, Cohenour, Cyr, Dickenson, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Lawson, Lenhart, Matthews, Parker, Raser, Ryan, Wilson, Windy Boy.

Total 26

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Erickson moved **HB 268** be taken from the table in the Committee on Taxation and be placed on second reading Legislative Day 64. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Balyeat, Barrett, Bitney, Devlin, Everett, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lange, Lewis, Maedje, Mendenhall, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies.

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Total 26

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

Representative Jent moved **SB 363** be taken from the Committee on Business and Labor and be rereferred to the Committee on Judiciary. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 50

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Excused: Morgan.

Total 1

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Wednesday, March 26, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 26, 2003

House Chambers  
State Capitol

House convened at 12:02 p.m. Mr. Speaker in the Chair. Invocation by Representative Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Sinrud, excused. Quorum present.

The Speaker introduced the Orphan Girl Theater from historic uptown Butte. The Orphan Girl Children's Theater performed the song "I'm Just a Bill." The mission of the Orphan Girl Children's Theater is to make live theater, music and dance accessible to young people.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/26/2003  
Correctly printed: **SB 133, SB 327, SB 380.**  
Correctly engrossed: **HB 749, HB 750, SB 105, SB 113, SB 363, SB 364, SB 441.**  
Examined by the sponsor and found to be correct: **HB 373.**  
Delivered to the Secretary of State at 10:27 a.m., March 26, 2003: **HJR 5.**  
Delivered to the Governor for approval at 9:27 a.m., March 26, 2003: **HB 30, HB 60, HB 176, HB 443, HB 656, HB 683.**

**AGRICULTURE** (Rice, Chairman): 3/26/2003  
**SJR 8**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/26/2003  
**HB 658**, introduced bill, be amended as follows:

1. Page 2, line 1.  
**Following:** "necessity."  
**Insert:** "pays a \$50 filing fee and"  
**Strike:** "licensed Montana engineer"  
**Insert:** "professional engineer licensed in Montana"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman): 3/25/2003  
**SB 239**, be amended as follows:

1. Page 1, line 12.  
**Strike:** "19-2-303"  
**Insert:** "Title 19 for the retirement system in which the employee is a member"

2. Page 1, line 13.  
**Following:** "plan"  
**Insert:** "or a state employee whose termination of employment within the time period specified was because of a disability retirement"

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3. Page 1, line 26.

**Following:** "VOIDNESS."

**Insert:** "(1)"

4. Page 1.

**Following:** line 29

**Insert:** "(2) If House Bill No. 360 and [this act] are both passed and approved, then [this act] is void."

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**SB 274**, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/25/2003

**HB 748**, introduced bill, be amended as follows:

1. Page 3, line 6.

**Strike:** "7.13%"

2. Page 3, line 7.

**Strike:** "at the beginning of fiscal year 2003,"

3. Page 5, line 20.

**Following:** "county"

**Insert:** "and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a)"

4. Page 22.

**Following:** line 24

**"NEW SECTION. Section 18. Coordination instruction.** If House Bill No. 584 and [this act] are both passed and approved, then [section 1 of this act] is amended to read:

**"NEW SECTION. Section 1. Distribution of taxes.** (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under [section 2] and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 15-1-501, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(3) (a) For tax year 2003 and succeeding tax years, the amount of oil and natural gas production taxes determined under subsection (1)(b) plus the phased-out amount distributed pursuant to 15-36-324(12)(b) as that section read on December 31, 2002, is allocated to each county according to the following schedule:

|          | 2003    | 2004   | 2005   | 2006 and succeeding tax years |
|----------|---------|--------|--------|-------------------------------|
| Big Horn | 45.03%  | 45.04% | 45.04% | 45.05%                        |
| Blaine   | 57.56%  | 57.84% | 58.11% | 58.39%                        |
| Carbon   | 50.24%  | 49.59% | 48.93% | 48.27%                        |
| Chouteau | 56.67%  | 57.16% | 57.65% | 58.14%                        |
| Custer   | 103.63% |        | 92.27% | 80.9% 69.53%                  |
| Daniels  | 48.31%  | 49.15% | 49.98% | 50.81%                        |
| Dawson   | 56.32%  | 53.48% | 50.64% | 47.79%                        |
| Fallon   | 39.89%  | 40.52% | 41.15% | 41.78%                        |

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|                    |         |        |        |        |
|--------------------|---------|--------|--------|--------|
| Fergus             | 112.2%  | 97.86% | 83.52% | 69.18% |
| Garfield           | 54.51%  | 51.66% | 48.81% | 45.96% |
| Glacier            | 76.56%  | 70.65% | 64.74% | 58.83% |
| Golden Valley      | 55.5%   | 56.45% | 57.41% | 58.37% |
| Hill               | 66.97%  | 66.15% | 65.33% | 64.51% |
| Liberty            | 63.32%  | 61.53% | 59.73% | 57.94% |
| McCone             |         | 58.75% | 55.81% | 52.86% |
| Musselshell        |         | 57.06% | 54.25% | 51.44% |
| Petroleum          |         | 67.8%  | 61.21% | 54.62% |
| Phillips           | 53.3%   | 53.54% | 53.78% | 54.02% |
| Pondera            | 104.14% |        | 87.51% | 70.89% |
| Powder River       | 64.7%   | 63.44% | 62.17% | 60.9%  |
| Prairie            | 38.43%  | 39.08% | 39.73% | 40.38% |
| Richland           |         | 45.23% | 45.97% | 46.72% |
| Roosevelt          |         | 46.75% | 46.4%  | 46.06% |
| Rosebud            |         | 37.41% | 38.05% | 38.69% |
| Sheridan           |         | 46.64% | 47.09% | 47.54% |
| Stillwater         |         | 56.05% | 55.2%  | 54.35% |
| Sweet Grass        |         | 58.23% | 59.24% | 60.24% |
| Teton              | 53.01%  | 50.71% | 48.4%  | 46.1%  |
| Toole              | 56.2%   | 56.67% | 57.14% | 57.61% |
| Valley             | 59.82%  | 57.02% | 54.22% | 51.43% |
| Wibaux             | 47.71%  | 48.19% | 48.68% | 49.16% |
| Yellowstone        |         | 50.69% | 49.37% | 48.06% |
| All other counties |         | 50.15% | 50.15% | 50.15% |

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in [section 2].

(4) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for the fiscal year ending June 30, 2003, ~~7.13%~~ to be distributed as follows:

(i) ~~at the beginning of fiscal year 2003~~; a total of \$400,000 to the coal bed methane protection account established in 76-15-904; and

(ii) all remaining proceeds to the state general fund;

(b) for the fiscal year beginning July 1, 2003, through the fiscal year ending June 30, ~~2005~~ 2011, to be distributed as follows:

(i) 1.23% to the coal bed methane protection account established in 76-15-904;

(ii) 2.95% to the reclamation and development grants special revenue account established in 90-2-1104;

(iii) 2.95% to the orphan share account established in 75-10-743; and

(iv) all remaining proceeds to the state general fund;

~~(c) for the fiscal year beginning July 1, 2005, through the fiscal year ending June 30, 2011, to be distributed as follows:~~

~~—— (i) 1.23% to the coal bed methane protection account established in 76-15-904;~~

~~—— (ii) 5.90% to the reclamation and development grants special revenue account established in 90-2-1104; and~~

~~—— (iii) all remaining proceeds to the state general fund; and~~

~~(d)(c)~~ for fiscal years beginning after June 30, 2011, to be distributed as follows:

(i) ~~7.13%~~ 4.18% to the reclamation and development grants special revenue account established in 90-2-1104; and

(ii) 2.95% to the orphan share account established in 75-10-743; and

~~(ii)(iii)~~ all remaining proceeds to the state general fund.""

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**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 302**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 320**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 1.

**Following:** line 24

**Insert:** "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2003."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 3/25/2003

**SB 469**, introduced by Elliott

**House bill** concurred in and returned to the House: 3/25/2003

**HB 585**, introduced by Franklin

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/25/2003

**HB 169**, introduced by Keane

**HB 190**, introduced by Younkin

**HB 298**, introduced by Younkin

**HB 610** - The Senate requested that the House return **HB 610** for further consideration: 3/25/2003

**MESSAGES FROM THE GOVERNOR**

March 25, 2003

The Honorable Doug Mood

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 71** sponsored by Representative Waitschies, **House Bill 178** sponsored by Representative Fritz, **House Bill 212** sponsored by Representative Shockley, **House Bill 264** sponsored by

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Representative Gibson, **House Bill 326** sponsored by Representative Newman et al., **House Bill 490** sponsored by Representative Buzzas et al., and **House Bill 552** sponsored by Representative B. Ryan on March 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 12:35 p.m. for caucuses. Motion carried.

House recessed at 12:13 p.m.

House reconvened at 12:35 p.m. All members present, except Representative Sinrud, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Lewis, Chairman):  
**HB 5**, introduced bill, be amended as follows:

3/26/2003

1. Title, page 1, line 8 through line 12.

**Strike:** "EXEMPTING" on line 8 through "18-2-403, MCA;" on line 12

**Insert:** "PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA;"

2. Page 2, line 1.

**Strike:** "550,000"

**Insert:** "480,000"

3. Page 2, line 2.

**Following:** "300,000"

**Insert:** "300,000 Auxiliary Funds"

4. Page 2, line 29.

**Strike:** "170,500"

**Insert:** "240,500"

**Strike:** "190,000"

**Insert:** "120,000"

5. Page 2.

**Following:** line 29

**Insert:** "Addition to Skaggs Building, UM-Missoula 11,500,000 Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds

Crown of the Continent Ecosystem Interpretive  
Center and Natural Trail, Yellow Bay

3,700,000 Federal Special Revenue, Donations, Grants,  
State Funds, and Higher Education Funds

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|                                       |            |  |
|---------------------------------------|------------|--|
| Herrick Hall Renovation, MSU-Bozeman  | 10,000,000 | Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds  |
| Sherrick Hall Renovation, MSU-Bozeman | 5,000,000  | Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds" |

6. Page 3, line 9.

**Strike:** "3,000,000"

**Insert:** "2,725,000"

7. Page 3, line 11 through line 14.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) (a) The department of administration, for the purpose of fostering the restoration, maintenance, and further development of the old main building at the Montana veterans' home in Columbia Falls, may waive, in whole or in part, the requirements pertaining to:

(i) bidding and bonding for state building projects in Title 39;

(ii) labor requirements in Title 18; and

(iii) contractor registration in Title 39.

(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

(i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other federal, state, or local governmental entities;

(ii) to obtain the compensated services of contractors that are donating significant amounts of labor, time, and materials; and

(iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, inclusive of individual donors.

8. Page 3.

**Following:** line 29

**Insert:** "The appropriation for motorboat recreation site improvements must include the following road improvement projects: \$100,000 for miscellaneous chip seal projects at Thompson Falls, Logan, West Shore, and Lake Mary Ronan recreational sites; \$60,000 for Cooney Reservoir state park; and \$200,000 for Hell Creek state park."

9. Page 3.

**Following:** line 30

**Insert:** "The appropriation for cultural and historic park improvements must include the following road improvement projects: \$60,000 for Giant Springs state park; \$100,000 for Travelers' Rest state park; \$80,000 for Clark's Lookout state park; and \$200,000 for Ulm Pishkun state park."

10. Page 4, line 12.

**Following:** "Grants"

**Insert:** ", State Funds, and Higher Education Funds"

11. Page 4.

**Following:** line 12

**Insert:** "(3) The following money is appropriated to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

| Agency/Project                           | LRBP        | Other Funding Sources  |
|--|-------------|--|
| General Spending Authority, All Campuses | \$2,500,000 | Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds" |

**Renumber:** subsequent subsection



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12. Page 4, line 16.

**Strike:** "\$2,000,000"

**Insert:** "\$1,620,860"

And, as amended, do pass. Report adopted.

**HB 9**, do pass. Report adopted.

**HB 367**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "ALLOCATING" on line 6 through "AUTHORIZING" on line 8

**Insert:** "REQUIRING"

**Following:** "BONDS" on line 8

**Insert:** "IN THE AMOUNT NOT TO EXCEED \$2.5 MILLION"

**Following:** the second "OF"

**Insert:** "A PORTION OF THE"

2. Title, line 9.

**Following:** "SITES"

**Insert:** "IF CONGRESS APPROPRIATES FUNDS FOR THAT PURPOSE"

3. Title, line 11.

**Strike:** "CREATING A STATE DEBT;"

4. Title, line 11 through line 12.

**Following:** "SECTIONS" on line 11

**Strike:** "17-3-240" on line 11 through "82-4-312," on line 12

**Following:** "82-4-314"

**Strike:** ", "

5. Page 1, line 16 through page 2, line 23.

**Strike:** sections 1 through 3 in their entirety

**Renumber:** subsequent sections

6. Page 2, line 28.

**Strike:** "\$20"

**Insert:** "\$8"

7. Page 3, line 6 through line 7.

**Strike:** "DURING" through "MILLION."

**Insert:** "(2) If by June 30, 2005, congress appropriates \$10 million or more to fund long-term or perpetual water treatment at the Zortman and Landusky mine sites, the department shall request the board of examiners to sell bonds authorized in subsection (1), without making the findings set forth in 82-4-313(1), in an amount that, when added to the amount appropriated by congress, equals \$12.5 million."

8. Page 3, line 8.

**Strike:** "[section 5]"

**Insert:** "[section 2]"

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9. Page 3, line 13.

**Following:** "with"

**Strike:** "at" through "million of"

10. Page 3, line 14.

**Strike:** "82-4-314"

**Insert:** "82-4-314(2)"

**Following:** "legislature"

**Insert:** "or congress"

11. Page 3, line 19.

**Following:** "fund"

**Insert:** "and interest credited to the fund pursuant to subsection (3)"

12. Page 3, line 25.

**Strike:** "SECTION 5"

**Insert:** "82-4-314(2)"

13. Page 4, line 15 through line 17.

**Strike:** section 8 in its entirety

**Insert:** "NEW SECTION. Section 5. Notification of congressional appropriation. The department of environmental quality shall notify the board of examiners and the code commissioner if by June 30, 2005, congress appropriates \$10 million or more to fund long-term or perpetual water treatment at the Zortman and Landusky mine sites."

**Renumber:** subsequent sections

14. Page 4, line 19.

**Strike:** "[Section 5]"

**Insert:** "[Section 2]"

15. Page 4, line 20.

**Strike:** "[section 5]"

**Insert:** "[section 2]"

And, as amended, do pass. Report adopted.

**HB 727**, do pass. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/26/2003

**SB 460**, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 726** - Representative Kaufmann moved **HB 726** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 53

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 268** - Representative R. Brown moved consideration of **HB 268** be placed at the top of the second reading board. Motion carried.

Representative Erickson moved **HB 268** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 51

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 750** - Representative R. Brown moved **HB 750** do pass.

Representative Gillan moved **HB 750**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "TEMPORARILY"

2. Title, line 6.

**Strike:** "TEMPORARILY"

3. Page 1, lines 18 through 22.

**Strike:** "1" on line 18 through "18" on line 22

**Insert:** "65"

4. Page 2, lines 25 and 26.

**Following:** "(1)" on line 25

**Strike:** remainder of line 25 through "6%" on line 26

**Insert:** "1.77%"

5. Page 2, lines 28 and 29.

**Following:** "(2)" on line 28

**Strike:** remainder of line 28 through "4%" on line 29

**Insert:** "1.19%"

6. Page 3, lines 1 and 2.

**Following:** "(3)" on line 1

**Strike:** remainder of line 1 through "3%" on line 2

**Insert:** "0.89%"

7. Page 3, line 7.

**Strike:** "following amounts"

**Insert:** "amount of 3.05%"

8. Page 3, lines 9 through 12.

**Following:** "homes" on line 9

**Strike:** remainder of line 9 through "11.11%" on line 12

9. Page 3, line 15.

**Strike:** "2005"

**Insert:** "2013"

**Strike:** "80.16%"

**Insert:** "82.19%"

**Following:** "and"

**Insert:** "and"

10. Page 3, line 16.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

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11. Page 3, line 17.

**Strike:** "73.04%"

**Insert:** "92.59%"

12. Page 3, line 18.

**Strike:** "following amounts"

**Insert:** "amount of 4.36%"

13. Page 3, line 19 through line 22.

**Following:** "17-7-205" on line 19

**Strike:** remainder of line 19 through "15.85%" on line 22

14. Page 3, line 23.

**Strike:** "2005"

**Insert:** "2013"

**Strike:** "10.33%"

**Insert:** "10.4%"

15. Page 3, lines 24 and 25.

**Following:** "17-5-703" on line 24

**Strike:** remainder of line 24 through "17-5-703" on line 25

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rome, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Windy Boy, Younkin.

Total 57

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Steinbeisser, Thomas, Wagman, Waitschies, Wilson, Witt, Mr. Speaker.

Total 43

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 750**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin,

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Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 74

Noes: Balyeat, Barrett, Bitney, D. Brown, Everett, Fisher, Gallik, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Rice, Ripley, Roberts, Ryan, Sales, Small-Eastman, Wagman, Mr. Speaker.  
Total 26

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 705** - Representative E. Clark moved **HB 705** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Hawk, Kasten, Mendenhall, Sales.  
Total 5

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 743** - Representative E. Clark moved **HB 743** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich,

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Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, P. Clark, Hawk, Kasten, Mendenhall, Sales.

Total 6

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 285 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 285** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: Haines, Laszloffy, Smith.

Total 3

**HB 333 - Senate Amendments** - Representative Waitschies moved Senate amendments to **HB 333** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews,

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McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown, Wilson.

Total 2

**HB 350 - Senate Amendments** - Representative Cohenour moved Senate amendments to **HB 350** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Laslovich, Rome.

Total 2

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 428 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 428** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross,



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Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Jackson, Laslovich, Parker, Raser, Waitschies.

Total 5

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 583 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 583** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, Bergren, Callahan, Dickenson, Galvin-Halcro, Golie, Jayne, Kasten, Musgrove, Parker, Raser, Ryan, Sales, Waitschies, Wilson.

Total 15

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: Fritz, Schrumpf.

Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted.

Representative Erickson made a **substitute motion** that **HB 268** be segregated from the Committee of the Whole report, be placed on second reading tomorrow and that the remainder of the report be adopted. Motion carried.

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried,

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Weiss, Wilson, Windy Boy.  
Total 53

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 45

Excused: Sinrud.  
Total 1

Absent or not voting: Shockley.  
Total 1

**MOTIONS**

Representative R. Brown moved the House accede to the request of the Senate to return **HB 610** for further Senate consideration on this bill. There being no objection, so ordered.

Representative Brueggeman move to reconsider action taken to rerefer **SB 363** to the Committee on Judiciary.

Representative Jent moved to table previous motion. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

Motion to reconsider action taken on **SB 363** carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: Sinrud.  
Total 1

Absent or not voting: Fisher, Jacobson.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 721** passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Balyeat, Barrett, Bitney, Fisher, Hawk, Jackson, Kasten, Lake, Lehman, Mendenhall, Morgan, Pattison, Rice, Ripley, Rome, Sales, Steinbeisser, Stoker, Wagman, Waitschies.  
Total 20

Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

**HB 3** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 55

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Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Excused: Sinrud.

Total 1

Absent or not voting: None.

Total 0

**HB 4** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Bixby, Callahan, Dowell, Gallik, Hawk, Jent, Kasten, Lindeen, Mendenhall, Musgrove, Raser, Sales, Shockley, Wanzenried, Weiss, Windy Boy.

Total 17

Excused: Sinrud.

Total 1

Absent or not voting: None.

Total 0

**HB 10** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Kasten.

Total 1

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Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

**HB 11** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Balyeat.  
Total 1

Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

**HB 12** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Mendenhall, Sales.  
Total 3

Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

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**HB 276** passed as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Ballantyne, Balyeat, Bixby, D. Brown, Erickson, Everett, Fisher, Gutsche, Hawk, Jackson, Kaufmann, Lake, Malcolm, Ripley, Ross, Sales, Shockley, Steinbeisser.

Total 18

Excused: Sinrud.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Rice, Chairman):

3/26/2003

**SB 213**, be concurred in and be placed on the consent calendar. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman):

3/26/2003

**HB 13**, do pass. Report adopted.

**HB 360**, introduced bill, be amended as follows:

1. Page 2, line 16.

**Following:** "INCLUDING"

**Insert:** ": (a)"

**Following:** "5-17-102"

**Insert:** "; (b) members of boards and commissions appointed by the governor, the legislature, or other elected state officials; and

(c) personal staff as defined in 2-18-101"

2. Page 3.

**Following:** line 1

**Insert:** "(i) continuous employment does not include prior service as an elected official, as defined in 5-7-102;"

**Renumber:** subsequent subsections

3. Page 13, line 2.

**Following:** "voidness."

**Insert:** "(1)"

4. Page 13.

**Following:** line 5

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**Insert:** "(2) If House Bill No. 363 is not passed and approved, then [this act] is void."

And, as amended, do pass. Report adopted.

**HB 756**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "PROGRAM;"

**Insert:** "PROVIDING MATCHING FUNDS FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM AND THE COMPREHENSIVE HEALTH ASSOCIATION;"

2. Page 1, line 19.

**Following:** the second "use"

**Insert:** "and an amount equal to 17% of the state's tobacco settlement proceeds for matching funds for the children's health insurance program and the comprehensive health association"

3. Page 2.

**Following:** line 3

**Insert:** "(3) The following amounts are appropriated for the 2004-05 biennium to the department of public health and human services from the tobacco settlement proceeds account in the state special revenue fund, as provided for in 17-6-606(3)(a), for matching funds for the children's health insurance program:

|         |             |
|---------|-------------|
| FY 2004 | \$3,797,910 |
| FY 2005 | 3,918,100   |

(4) The following amounts are appropriated for the 2004-05 biennium to the state auditor from the tobacco settlement proceeds account in the state special revenue fund, as provided for in 17-6-606(3)(b), for the comprehensive health association:

|         |             |
|---------|-------------|
| FY 2004 | \$1,000,000 |
| FY 2005 | 1,000,000." |

Explanation: This amendment appropriates the full amount allocated by I-146 to CHIP and the Montana Comprehensive Health Association for CHIP matching funds and MCHA.

And, as amended, do pass. Report adopted.

**HB 761**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "at"

**Insert:** "or in the vicinity of"

2. Page 1, line 20.

**Following:** "Montana,"

**Insert:** "in the city of Missoula, or in Missoula County, as appropriate,"

3. Page 1, lines 29 and 30.

**Following:** "that the" on line 29

**Insert:** "selected"

**Following:** "property" on line 29

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**Strike:** remainder of line 29 through "Montana," on line 30

4. Page 2, line 1.

**Strike:** "at Fort Missoula, in Missoula County, Montana,"

5. Page 2, line 7.

**Strike:** "at Fort Missoula."

**Insert:** "in"

And, as amended, do pass. Report adopted.

**HB 762**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "(1)"

**Strike:** "Upon request of the committee pursuant"

**Insert:** "Pursuant"

2. Page 1, line 23.

**Following:** "by"

**Strike:** "a committee consisting of"

**Insert:** "the chief information officer in consultation with"

3. Page 1, line 24.

**Strike:** "the chief information officer"

**Insert:** "the governor's budget director"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/26/2003

**SB 275**, be amended as follows:

1. Title, line 15.

**Following:** "IS"

**Insert:** "NOT"

And, as amended, be concurred in. Report adopted.

**SB 306**, be concurred in. Report adopted.

**SB 315**, be concurred in. Report adopted.

**SB 344**, be amended as follows:

1. Title, line 7.

**Following:** "EFFECTIVE DATE"

**Strike:** "AND"

**Insert:** ", "

**Following:** "APPLICABILITY DATE"

**Insert:** ", AND A TERMINATION DATE"



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2. Page 2, following line 18.

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2005."

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):  
**SB 401**, be amended as follows:

3/26/2003

1. Page 4, line 8.

**Strike:** "Montana members"

**Insert:** "tribal leaders"

**Strike:** "Montana-Wyoming"

**Insert:** "eight"

**Strike:** "leaders council"

**Insert:** "councils in Montana"

2. Page 4, line 10.

**Strike:** "Montana-Wyoming"

**Insert:** "Montana"

**Strike:** "council"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):  
**HB 713**, introduced bill, be amended as follows:

3/26/2003

1. Title, page 1, line 7 through line 8.

**Strike:** "PROVIDING" on line 7 through "PROGRAM;" on line 8

2. Page 3, line 10 through line 12.

**Strike:** subsection (10) in its entirety

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 764**, introduced by Mendenhall, F. Thomas, referred to Taxation.

**HB 765**, introduced by Erickson, referred to Taxation.

**HB 766**, introduced by Juneau, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 469**, introduced by Elliott, referred to Taxation.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, March 27, 2003. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Sales. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bergren, Roberts, and Schrumpf, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/27/2003

Correctly printed: **HB 9, HB 13, HB 727, SB 213, SB 274, SB 302, SB 306, SB 315, SB 460, SJR 8.**

Correctly engrossed: **HB 5, HB 360, HB 367, HB 658, HB 713, HB 748, HB 756, HB 761, HB 762, SB 239, SB 275, SB 320, SB 344, SB 401.**

Correctly enrolled: **HB 63, HB 122, HB 129, HB 165, HB 174, HB 182, HB 185, HB 236, HB 284, HB 312, HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711, HJR 10, HJR 11, HJR 20, HJR 28, HJR 34.**

**HUMAN SERVICES** (Thomas, Chairman): 3/27/2003

**SB 348**, be amended as follows:

1. Page 2, line 30.

**Strike:** "mental health"

2. Page 3, line 2.

**Following:** "freestanding"

**Strike:** "facility"

**Insert:** "licensed hospital"

**Following:** "licensed"

**Strike:** "health care facility"

**Insert:** "hospital"

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/26/2003

**HB 670**, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

**Strike:** "RAISING" on line 5 through "SCHEDULE" on line 6

**Insert:** "INCREASING PENALTIES"

2. Title, page 1, line 8.

**Following:** "REQUIREMENTS;"

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**Insert:** "CLARIFYING CERTAIN NOTIFICATION REQUIREMENTS; ELIMINATING A LICENSE REQUIREMENT THAT CONFLICTS WITH ANOTHER SECTION OF LAW REQUIRING A LICENSE;"

3. Title, page 1, line 9.

**Strike:** "16-11-122 AND"

**Insert:** "16-11-144, 16-11-302,"

**Following:** "16-11-308,"

**Insert:** "16-11-309, 16-11-311, AND 16-11-312,"

**Following:** "MCA;"

**Insert:** "REPEALING SECTION 16-11-303, MCA;"

4. Page 1, line 13 through line 22.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 16-11-144, MCA, is amended to read:

**"16-11-144. Revocation or suspension of license.** (1) The department may revoke or suspend the license of any wholesaler, subjobber, retailer, cigarette vendor, or person licensed under ~~16-11-303~~ 16-11-120 for failure to comply with any provision of this part, The Montana Cigarette Sales Act (Title 16, chapter 10), the Youth Access to Tobacco Products Control Act (Title 16, chapter 11, part 3), or with any lawful rule of the department made pursuant to those laws.

(2) A person aggrieved by a revocation or suspension may apply to the department for a hearing, which must be open to the public. If the person is aggrieved by the decision of the department, the person may further appeal to the court.

(3) When a license has been revoked, a license may not be issued to the licensee for a period of 1 year after revocation. When a license has been suspended, the suspension may be for any period not to exceed 1 year.

(4) A person who sells cigarettes after the person's license has been revoked or suspended is guilty of a misdemeanor and must be punished as provided in this part, and all cigarettes in the person's possession must be seized and forfeited to the state.""

**Insert:** "**Section 2.** Section 16-11-302, MCA, is amended to read:

**"16-11-302. Definitions.** For the purposes of 16-11-301, 16-11-302, and 16-11-304 through 16-11-308, the following definitions apply:

(1) "Distribute" means:

(a) to give, deliver, sample, or sell;

(b) to offer to give, deliver, sample, or sell; or

(c) to cause or hire another person to give, deliver, sample, or sell or offer to give, deliver, sample, or sell.

(2) "Health warning" means a tobacco product label required by federal law and intended to alert users of the product to the health risks associated with tobacco use. The term includes warning labels required under the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986.

(3) "License" means a retail tobacco product sales license.

(4) "Person" means a natural person, company, corporation, firm, partnership, organization, or other legal entity.

(5) "Tobacco product" means a substance intended for human consumption that contains tobacco. The term includes cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.""

**Renumber:** subsequent sections

5. Page 1, line 26.

**Strike:** "16-11-303"

**Insert:** "16-11-120"

6. Page 2, line 4.

**Strike:** "owner of the establishment"

**Insert:** "licensee"

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7. Page 2, line 17.

**Strike:** "licenses"

**Insert:** "license"

8. Page 2, line 18.

**Strike:** "and 16-11-303"

9. Page 2, line 19.

**Strike:** "reissued"

**Insert:** "reinstated"

10. Page 2, line 20.

**Strike:** "reissued"

**Insert:** "reinstated"

11. Page 3, line 2.

**Strike:** "owner of the establishment"

**Insert:** "licensee"

12. Page 3, line 4 through line 10.

**Strike:** "Within" on line 4 through "subsection." on line 10

13. Page 3.

**Following:** line 17.

**Insert:** "(5) The department of revenue shall notify the licensee of an alleged violation of this section by certified letter addressed to the licensee. The notice must state each penalty or sanction that is applicable to the violation under this section. The notice must state that the licensee may within 30 days after receipt of the notice request a hearing under the Montana Administrative Procedure Act. The hearing may be held by electronic teleconference."

**Renumber:** subsequent subsections

13. Page 3, line 19.

**Strike:** "licenses"

**Insert:** "license"

14. Page 3, line 20 through line 22.

**Strike:** "and 16-11-303" on line 20 through "section" on line 22

15. Page 3, line 28.

**Strike:** "75%"

**Insert:** "50%"

16. Page 3, line 30.

**Strike:** "25%"

**Insert:** "50%"

**Strike:** "of revenue"

17. Page 4, line 1.

**Insert:** "**Section 4.** Section 16-11-309, MCA, is amended to read:

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**"16-11-309. Inspection and notification of violation required.** (1) The department of public health and human services shall conduct inspections of persons selling or distributing tobacco products to determine compliance with ~~16-11-303~~ 16-11-120, 16-11-304, 16-11-305(1), 16-11-306, and 16-11-307. Inspections may be conducted directly by the department of public health and human services or may be provided for by contract let by the department of public health and human services. Persons found to be in violation of the requirements of this part or the rules of the department of public health and human services a fourth and subsequent time must be notified in writing by the department of public health and human services of the facts of the violation and the penalties provided by this part.

(2) The department of public health and human services shall provide documentation of alleged violations of ~~16-11-303~~ 16-11-120, 16-11-305, and 16-11-307 to the department of revenue."

**Insert:** "Section 5. Section 16-11-311, MCA, is amended to read:

**"16-11-311. Local regulations.** A local government may by ordinance adopt regulations on the subjects of 16-11-301, 16-11-302, and 16-11-304 through 16-11-308 that are no more stringent than 16-11-301, 16-11-302, and 16-11-304 through 16-11-308."

**Insert:** "Section 6. Section 16-11-312, MCA, is amended to read:

**"16-11-312. Rulemaking authority.** The department of revenue may adopt rules to implement 16-11-301, 16-11-302, and 16-11-304 through 16-11-308."

**Insert:** "NEW SECTION. Section 7. Repealer. Section 16-11-303, MCA, is repealed."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 283**, be concurred in. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

3/26/2003

**SB 34**, be amended as follows:

1. Page 2, line 9.

**Strike:** "CONDEMNED"

**Insert:** "placed in the possession of the department"

2. Page 2, line 14.

**Strike:** "on the motion"

**Insert:** "at which the condemnee shall appear and show cause why the property should not be placed in the possession of the department as requested in the complaint"

3. Page 2, line 15.

**Strike:** "10"

**Insert:** "20"

**Strike:** "20"

**Insert:** "30"

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 56**  
Report No. 1, March 26, 2003

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Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 56** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 56** (reference copy -- salmon) be amended as follows:

1. Title, line 10 through line 11.

**Following:** "CONDITIONS;"

**Strike:** remainder of line 10 through "CENTER;" on line 11

2. Page 4, line 9.

**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (4)"

3. Page 4, line 22.

**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (4)"

4. Page 4, line 25 through line 28.

**Strike:** line 25 through line 28 in their entirety

For the House:

B. Thomas, Chairman  
Becker  
Noennig

For the Senate:

Esp, Chairman  
Cromley  
Stonington

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/26/2003

**SB 89**, introduced by Tash

**SB 385**, introduced by Mangan

**House bills** concurred in and returned to the House:

3/26/2003

**HB 272**, introduced by Gillan

**HB 414**, introduced by Balyeat

**HB 548**, introduced by Jent

**HB 557**, introduced by Andersen

**HB 639**, introduced by Laslovich

**HB 700**, introduced by Brueggeman

**House joint resolution** concurred in and returned to the House:

3/26/2003

**HJR 30**, introduced by Windy Boy

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/26/2003

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**HB 222**, introduced by Parker

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:  
3/26/2003

**HJR 17**, introduced by Peterson

**MESSAGES FROM THE GOVERNOR**

March 26, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 32** sponsored by Representative Golie, **House Bill 55** sponsored by Representative Facey, **House Bill 79** sponsored by Representative Jackson, **House Bill 89** sponsored by Representative A. Olson, **House Bill 97** sponsored by Representative Jent, **House Bill 126** sponsored by Representative Fritz, **House Bill 135** sponsored by Representative Andersen, **House Bill 142** sponsored by Representative Devlin, **House Bill 144** sponsored by Representative Harris, **House Bill 164** sponsored by Representative Callahan, **House Bill 180** sponsored by Representative E. Clark, **House Bill 198** sponsored by Representative Lambert, **House Bill 215** sponsored by Representative Brueggeman, **House Bill 240** sponsored by Representative Shockley, **House Bill 250** sponsored by Representative Morgan, **House Bill 280** sponsored by Representative Wanzenried, **House Bill 311** sponsored by Representative Stoker, **House Bill 455** sponsored by Representative Lake et al., **House Bill 493** sponsored by Representative Branae, and **House Bill 562** sponsored by Representative Ballantyne on March 26, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 767**, introduced by Brueggeman, Stonington, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 89**, introduced by Tash, referred to Local Government.

**SB 385**, introduced by Mangan, McKenney, referred to Taxation.

Majority Leader Brown moved that the House recess until 1:35 p.m. for caucuses. Motion carried.

House recessed at 1:13 p.m.



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House reconvened at 1:37 p.m. All members present, except Representatives Bergren, Roberts, and Schrumpf, excused.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Parker excused at this time.

**HB 5** - Representative Kasten moved **HB 5** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Barrett, Bixby, Everett, Hawk, Hurwitz, Lake, Mendenhall, Sales, Sinrud.  
Total 10

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Gibson, Shockley.  
Total 3

**HB 9** - Representative Kasten moved **HB 9** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

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Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Sales, Sinrud, Stoker.  
Total 8

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13** - Representative Lewis moved **HB 13** do pass.

Representative Laslovich moved **HB 13**, second reading copy, be amended as follows:

1. Page 2, line 26 through line 28.

**Following:** "hour" on line 26

**Strike:** remainder of line 26 through "(1)(G)" on line 28

2. Page 2, line 30 through page 3, line 2.

**Following:** "hour" on line 30

**Strike:** remainder of line 30 through "(1)(G)" on page 3, line 2

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Motion that **HB 13** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson,

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Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 77

Noes: Balyeat, Bitney, Bookout-Reinicke, R. Brown, Cyr, Everett, Fisher, Harris, Hawk, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Sinrud, Steinbeisser, Stoker, Witt, Mr. Speaker.

Total 23

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 360** - Representative Lewis moved **HB 360** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Harris, Mendenhall.

Total 2

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 367** - Representative Windy Boy moved **HB 367** do **not** pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

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Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Bitney, D. Brown, Brueggeman, E. Clark, Fuchs, Hedges, Jackson, Kasten, Lewis, Maedje, Malcolm, McKenney, Pattison, Rice, Ripley, Sinrud.  
Total 16

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Raser moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 85

Noes: Bixby, Gibson, Gillan, Gutsche, Harris, Weiss.  
Total 6

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: Bookout-Reinicke, Hedges, Peterson, Raser, Witt.  
Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 285, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 333, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 350, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Fisher, Jackson.  
Total 2

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 428, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Jackson, Raser, Waitschies.  
Total 3

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 583, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 76

Noes: Balyeat, Bixby, Callahan, Carney, Dickenson, Erickson, Galvin-Halcro, Golie, Gutsche, Jayne, Kasten, Kaufmann, Laslovich, Lindeen, Musgrove, Raser, Ryan, Sales, Sinrud, Wilson.  
Total 20

Excused: Bergren, Parker, Roberts, Schrumpf.

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Total 4

Absent or not voting: None.

Total 0

**HB 705** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Fuchs, Hawk, Kasten, Mendenhall, Sales, Sinrud.

Total 7

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: Gutsche.

Total 1

**HB 743** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Forrester, Fuchs, Hawk, Kasten, Laszloffy, Mendenhall, Sales, Sinrud.

Total 9

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: None.

Total 0

**MOTIONS**

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Representative Jent moved **HB 295** be taken from the table in the Committee on Appropriations and be placed on second reading Legislative Day 66. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Raser, Ryan, Sales, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 60

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lawson, Lehman, Lewis, Maedje, McKenney, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 36

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Representative P. Clark moved to **suspend the rules** for the late introduction of a bill. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Rome.  
Total 1

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Representative Kaufmann moved to reconsider action on **HB 726** second reading yesterday. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Noennig, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.



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Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 50

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

The following bill was removed from the consent calendar: **SB 329**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Younkin moved that the House adjourn until 12:00 p.m., Friday, March 28, 2003. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 28, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Waitschies. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bergren and Peterson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/27/2003

Correctly printed: **SB 283**.

Correctly engrossed: **HB 249, HB 379, HB 670, SB 34, SB 348**.

Correctly enrolled: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700, HJR 30**.

Examined by the sponsor and found to be correct: **HB 11, HB 63, HB 122, HB 129, HB 165, HB 174, HB 182, HB 185, HB 236, HB 284, HB 312, HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711, HJR 10, HJR 20, HJR 28, HJR 34**.

Signed by the Speaker at 4:45 p.m., March 27, 2003: **HB 63, HB 122, HB 129, HB 165, HB 174, HB 182, HB 185, HB 236, HB 284, HB 312, HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711, HJR 10, HJR 11, HJR 28, HJR 34**.

**AGRICULTURE** (Rice, Chairman): 3/27/2003

**HB 379**, introduced bill, be amended as follows:

1. Title, line 13.

**Strike:** "PROVIDING FOR"

**Insert:** "REQUIRING"

**Following:** "REGARDING"

**Insert:** "TRANSFER OF ALTERNATIVE LIVESTOCK RANCH LICENSES AND"

**Following:** "HARVESTING"

**Insert:** "OF"

2. Title, line 14.

**Following:** "REMUNERATION;"

**Insert:** "SUPERSEDING THE UNFUNDED MANDATE LAWS;"

**Following:** "SECTIONS"

**Insert:** "7-5-136,"

3. Title, line 15.

**Following:** "MCA;"

**Insert:** "PROVIDING AN APPROPRIATION;"

**Following:** "DATE"

**Insert:** ", "

4. Title, line 16.

**Strike:** "AND"

**Following:** "DATE"

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**Insert:** ", AND A TERMINATION DATE"

5. Page 2, lines 6 and 7.

**Following:** "may" on line 6

**Strike:** remainder of line 6 through "(a)" on line 7

6. Page 2, line 8.

**Strike:** ":",

**Insert:** ". Subject to [section 7], an alternative livestock ranch may:"

7. Page 2, line 9.

**Strike:** "(b)"

**Insert:** "(a)"

**Strike:** "their"

**Insert:** "its"

**Strike:** "licenses to third parties;"

**Insert:** "license to a third party; and"

8. Page 2, line 10.

**Strike:** "(c)" through ":-: AND"

**Renumber:** subsequent subsection

9. Page 2, line 11.

**Strike:** "SUBJECT TO [SECTION 7]."

10. Page 3, line 7.

**Insert:** "**Section 3.** Section 7-5-136, MCA, is amended to read:

**"7-5-136. Submission of question to electors.** (1) Any ordinance proposed by petition, any amended ordinance proposed by petition, or any referendum on an ordinance entitled to be submitted to the electors must be voted on at the next regular election to be held in the local government unless:

(a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election to be held in conjunction with a regular or primary election; or

(b) the governing body calls for a special election on the question to be held in conjunction with a regular or primary election.

(2) ~~★~~ Except as provided in [section 7], a special election may not be held sooner than 75 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election.

(3) If the adequacy of the petition is determined by the election administrator less than 75 days prior to the next regular election, the election must be delayed until the following regular election unless a special election is called.

(4) Whenever a measure is ready for submission to the electors, the appropriate election administrator shall in writing notify the governing body and shall publish notice of the election and the ordinance that is to be proposed or amended. In the case of a referendum, the ordinance sought to be repealed must be published.

(5) The question must be placed on the ballot, giving the electors a choice between accepting or rejecting the proposal.

(6) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared unless otherwise stated in the proposal.""

11. Page 3, line 14.

**Strike:** "AN"

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**Insert:** "If authorized in that county, an"

12. Page 4, line 25 through page 6, line 10.

**Strike:** sections 5 and 6 in their entirety

**Insert:** "NEW SECTION. Section 6. Laboratory fee required. A licensed alternative livestock ranch that is authorized to harvest alternative livestock for a fee or other remuneration shall pay \$100 for each animal that is harvested to the department of fish, wildlife, and parks to be used for the purpose of establishing a live test and finding a cure for chronic wasting disease. The \$100 payment is in addition to any fee associated with collection and sampling of tissue that is required for disease testing."

**Renumber:** subsequent sections

13. Page 6, lines 12 and 13.

**Following:** "ELECTION" on line 12

**Strike:** remainder of line 12 through "REMUNERATION" on line 13

**Following:** "SHALL" on line 13

**Strike:** remainder of line 13 in its entirety

**Insert:** "submit to the qualified electors of a county that has a licensed alternative livestock ranch within its boundaries a referendum on the question of whether the transfer of alternative livestock ranch licenses and"

14. Page 6, line 14.

**Following:** "REMUNERATION"

**Insert:** "will be allowed"

15. Page 6, lines 15 and 16.

**Following:** the first "THE" on line 15

**Strike:** remainder of line 15 through "7-5-137" on line 16

**Insert:** "referendum must be submitted to the qualified electors at a special election to be held in conjunction with the school election held on May 6, 2003"

**Following:** "2" on line 16

**Insert:** "The referendum must be submitted to the qualified electors in each county that has a licensed alternative livestock ranch within its boundaries in the form provided for in [section 16]."

16. Page 6, line 19.

**Insert:** "NEW SECTION. Section 9. Unfunded mandate law superseded. As provided in 1-2-112(2), [this act] expressly supersedes the provisions of 1-2-112 and 1-2-114."

**Insert:** "NEW SECTION. Section 10. Appropriation. There is appropriated \$700,000 for the biennium ending June 30, 2005, from the department of fish, wildlife, and parks general license account to Montana state university-Bozeman for the veterinary molecular biology department's chronic wasting disease program."

**Renumber:** subsequent sections

17. Page 6, line 21.

**Following:** "2,"

**Insert:** "and"

**Following:** "6"

**Strike:** ", AND 7"

18. Page 6, line 22.

**Following:** "2,"

**Strike:** "and"

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**Following:** "6"  
**Strike:** ".AND 7"

19. Page 6, line 29.

**Strike:** "[This act] applies"

**Insert:** "[Sections 4 and 5] apply"

20. Page 6, line 30.

**Insert:** "NEW SECTION. Section 15. Termination. [Section 3] terminates July 1, 2003."

**Insert:** "NEW SECTION. Section 16. Submission to electorate. The referendum provided for in [section 7] must be submitted to the qualified electors of each county that has a licensed alternative livestock ranch within its boundaries at the special election to be held on May 6, 2003, by printing on the ballot the full title of this act and the following:

- ☐ FOR authorizing licensed alternative livestock ranches in this county to transfer licenses and charge a fee for the harvest of the livestock.
- ☐ AGAINST authorizing licensed alternative livestock ranches in this county to transfer licenses and charge a fee for the harvest of the livestock."

And, as amended, do pass. Report adopted.

**SB 244**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/27/2003

**SB 101**, be concurred in. Report adopted.

**SB 152**, be amended as follows:

1. Title, line 6.

**Following:** "'SPECIAL EVENT';"

**Insert:** "REVISING CATERING REQUIREMENTS;"

2. Title, line 7.

**Following:** "16-1-106,"

**Insert:** "16-4-111, 16-4-204,"

3. Title, line 7.

**Following:** "AN"

**Insert:** "IMMEDIATE"

4. Page 3, following line 17.

**Insert:** "**Section 2.** Section 16-4-111, MCA, is amended to read:

**"16-4-111. Catering endorsement for beer and wine licensees.** (1) (a) A person who is engaged primarily in the business of providing meals with table service and who is licensed to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer or beer and wine to persons attending a special event upon premises not otherwise licensed for the sale of beer or beer and wine for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(b) A person who is licensed pursuant to 16-4-420 to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event upon premises not otherwise licensed for the sale

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of beer or beer and wine, along with food equal in cost to 65% of the total gross revenue from the catering contract, for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(2) A written application for a catering endorsement and an annual fee of \$200 must be submitted to the department for its approval.

(3) A licensee who holds a catering endorsement may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(4) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises that the catered event is to be held. A fee of \$35 must accompany the notice.

(5) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(6) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval for the on-premises sale of beer or beer and wine on premises where the event is to be held.

(7) A catering endorsement issued for the purpose of selling and serving beer or beer and wine at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer or beer and wine in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

(8) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

**Insert: "Section 3.** Section 16-4-204, MCA, is amended to read:

**"16-4-204. Transfer -- catering endorsement.** (1) (a) Except as provided in subsection (1)(b), a license may be transferred to a new ownership and to a location outside the quota area for which it was originally issued only when the following criteria are met:

(i) the total number of all-beverages licenses in the original quota area exceeded the quota for that area by at least 25% in the most recent census prescribed in 16-4-502;

(ii) the total number of all-beverages licenses in the quota area to which the license would be transferred, exclusive of those issued under 16-4-209(1)(a) and (1)(b), did not exceed that area's quota in the most recent census prescribed in 16-4-502:

(A) by more than 33%; or

(B) in an incorporated city of more than 10,000 inhabitants and within a distance of 5 miles from its corporate limits by more than 43%; and

(iii) the department finds, after a public hearing, that the public convenience and necessity would be served by such a transfer.

(b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with consent of the department when the quota of the all-beverages licenses in the original quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the transfer.

(c) For 3 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.

(d) Once a license is transferred to a new quota area under subsection (1)(a), it may not be transferred to another quota area or back to the original quota area.

(e) A license issued under 16-4-209(1)(a) may not be transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

(2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the department, entitled to a catering endorsement to the licensee's all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages for on-premises consumption. The alcoholic beverages must be consumed on the premises where the event is held.

(b) A written application for a catering endorsement and an annual fee of \$250 must be submitted to the

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department for its approval.

(c) An all-beverages licensee who holds an endorsement granted under this subsection (2) may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(d) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises where the catered event is to be held. A fee of \$35 must accompany the notice.

(e) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(f) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval.

(g) A catering endorsement issued for the purpose of selling and serving beer at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

(h) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

**Renumber:** subsequent sections

5. Page 4, following line 14.

**Insert:** "(d) A chamber of commerce or business league that has a tax-exempt designation under section 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(6), as amended, may receive up to 12 special permits a year to sell beer and table wine. A chamber of commerce may not use one of its special permits for an event conducted by a business league and a business league may not use one of its permits for an event conducted by a chamber of commerce. The chamber of commerce or business league receiving a special permit must obtain liquor liability insurance for any event it conducts."

**Renumber:** subsequent subsections

6. Page 8, line 2.

**Strike:** "JULY 1, 2003"

**Insert:** "on passage and approval"

And, as amended, be concurred in. Report adopted.

**SB 232**, be concurred in. Report adopted.

**SB 270**, be amended as follows:

1. Page 6, line 18.

**Following:** "CONTRACTORS"

**Insert:** "of whom at least one-half must be independent contractors"

And, as amended, be concurred in. Report adopted.

**SB 334**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

3/28/2003

**HB 249**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ADOPT"

**Strike:** "ORDINANCES OR RESOLUTIONS RESTRICTING"

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**Insert:** "PLANS TO CONTROL, REMOVE, AND RESTRICT"

2. Title, line 5 through line 6.

**Following:** "ANIMALS" on line 5

**Strike:** remainder of line 5 through "AREAS" on line 6

3. Title, line 8.

**Following:** "RESPECT TO"

**Insert:** "CONTROLLING, REMOVING, AND"

4. Title, line 10.

**Following:** "REQUIRING"

**Insert:** "APPROVAL BY"

5. Title, line 11.

**Following:** "PARKS"

**Strike:** "TO DEVELOP AND IMPLEMENT"

**Insert:** "PRIOR TO DEVELOPING AND IMPLEMENTING"

**Following:** "FOR THE"

**Insert:** "CONTROL,"

**Following:** "REMOVAL"

**Insert:** ", AND RESTRICTION"

6. Title, line 12 through line 13.

**Following:** "ADOPTED" on line 12

**Strike:** remainder of line 12 through "ANIMALS" on line 13

**Insert:** "A PLAN"

7. Title, line 14.

**Following:** "7-3-1222,"

**Insert:** "AND"

**Following:** "7-5-201,"

**Strike:** "87-1-201, AND 87-1-242,"

8. Page 1 through page 2.

**Strike:** page 1, line 17 through page 2, line 2 in their entirety

9. Page 2, line 6 through line 7.

**Following:** "adopt" on line 6

**Strike:** remainder of line 6 through "restricting" on line 7

**Insert:** "a plan to control, remove, and restrict"

10. Page 2, line 7.

**Following:** "within"

**Strike:** "enforcement areas with defined"

**Insert:** "the"

11. Page 2, line 8.



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**Strike:** "that are within"

**Insert:** "of"

12. Page 2, line 8 through line 9.

**Following:** "adoption of" on line 8

**Strike:** remainder of line 8 through "resolution" on line 9

**Insert:** "a plan"

13. Page 2, line 9 through line 10.

**Following:** "of the" on line 9

**Strike:** remainder of line 9 through "applies" on line 10

**Insert:** "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the city or town may implement the plan as approved or as approved with conditions"

14. Page 3, line 26.

**Following:** "town."

**Strike:** "an ordinance or resolution restricting"

**Insert:** "a plan to control, remove, and restrict"

15. Page 3, line 27.

**Strike:** "enforcement areas with"

**Insert:** "the"

**Following:** "boundaries"

**Strike:** "that are within"

**Insert:** "of"

16. Page 3, line 28.

**Following:** "adoption of"

**Strike:** "an ordinance or resolution"

**Insert:** "a plan"

17. Page 3, line 29 through line 30.

**Following:** "parks of the" on line 29

**Strike:** remainder of line 28 through "applies" on line 30

**Insert:** "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government may implement the plan as approved or as approved with conditions"

18. Page 4, line 25.

**Following:** "town."

**Strike:** "an ordinance or resolution restricting"

**Insert:** "a plan to control, remove, and restrict"

19. Page 4, line 26.

**Strike:** "enforcement areas with defined"

**Insert:** "the"

20. Page 4, line 27.

**Following:** "adoption of"

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**Strike:** "an ordinance or resolution"

**Insert:** "a plan"

21. Page 4, line 28 through line 29.

**Following:** "parks of the" on line 28

**Strike:** remainder of line 28 through "applies" on line 29

**Insert:** "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government may implement the plan as approved or as approved with conditions"

22. Page 5, line 22 through page 9, line 16.

**Strike:** section 6 through section 7 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):  
**SB 362**, be amended as follows:

3/27/2003

1. Title, page 1, line 7.

**Following:** "~~OFFENSE~~;"

**Insert:** "MAKING IT A CRIME FOR A PERSON UNDER 18 YEARS OF AGE TO PURPOSELY BE AT OR IN A PLACE, WHEN THE PERSON'S PARENT OR GUARDIAN IS NOT PRESENT, WHERE A PERSON OR PERSONS UNDER 21 YEARS OF AGE ARE KNOWINGLY CONSUMING OR POSSESSING AN INTOXICATING SUBSTANCE;"

2. Page 1, line 20.

**Following:** "at"

**Insert:** "(a)"

3. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) A person under 18 years of age commits the offense of associating with persons illegally consuming an intoxicating substance if, when a parent or guardian of the person is not present, the person purposely is at or in a place where a person or persons under 21 years of age are knowingly consuming or possessing an intoxicating substance."

4. Page 2, line 3 through line 4.

**Following:** "course" on line 3

**Strike:** remainder of line 3 through "services" on line 4

**Insert:** "that meets the requirements of subsection (9)"

5. Page 2, line 6.

**Strike:** "CONFISCATED"

**Insert:** "ordered suspended"

6. Page 2, line 12 through line 13.

**Following:** "course" on line 12

**Strike:** remainder of line 12 through "services" on line 13

**Insert:** "that meets the requirements of subsection (9)"

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7. Page 2, line 15.

**Strike:** "CONFISCATED"

**Insert:** "ordered suspended"

8. Page 2, line 22.

**Following:** "course"

**Strike:** "approved by the department of public health and human services"

**Insert:** "that meets the requirements of subsection (9)"

9. Page 2, line 26.

**Strike:** "CONFISCATE THE LICENSE"

**Insert:** "order the license suspended"

10. Page 3, line 3.

**Strike:** "CONFISCATE the license"

**Following:** "suspended"

**Insert:** "order the license suspended"

11. Page 3, line 5.

**Strike:** "CONFISCATE"

**Insert:** "order suspension of"

12. Page 3, line 22.

**Following:** "program"

**Strike:** "approved by the department of public health and human services"

**Insert:** "that meets the requirements of subsection (9)"

13. Page 4, line 18 through line 19.

**Following:** "program" on line 18

**Strike:** remainder of line 18 through "services" on line 19

**Insert:** "that meets the requirements of subsection (9)"

14. Page 4, line 25.

**Following:** "program"

**Strike:** "approved by the department of public health and human services"

**Insert:** "that meets the requirements of subsection (9)"

15. Page 5, line 8.

**Following:** "COURT."

**Insert:** "(9)(a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), or (2)(a)(iii) must be:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(b) An alcohol information course required under subsection (3)(c)(ii) must be provided at an alcohol treatment program:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services

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and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (8) must be completed at a treatment program:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services

and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/28/2003

**SB 325**, be concurred in. Report adopted.

**SB 406**, be amended as follows:

1. Title, line 6 through line 7.

**Following:** "RIGHTS-OF-WAY" on line 6

**Strike:** ", UTILITY" on line 6 through "SEWER" on line 7

**Insert:** "OR UTILITY SITES"

2. Title, line 8.

**Following:** "PROCESS"

**Insert:** "UNLESS THERE IS A SUBSEQUENT CHANGE IN LAND USE"

3. Page 2, line 22 through line 23.

**Following:** "rights-of-way" on line 22

**Strike:** remainder of line 22 through "sewer" on line 23

**Insert:** "or utility sites"

4. Page 2, line 23.

**Following:** "RESIDENTIAL"

**Insert:** ", commercial, or industrial"

5. Page 2, line 29.

**Following:** "(b)"

**Insert:** "only"

**Following:** "divided is"

**Strike:** "not"

**Following:** "to"

**Strike:** "any entity other than"

6. Page 3.

**Following:** line 2

**Insert:** "(c) to a parcel that is created to provide security as provided in subsection (1)(b). The remainder of the tract of land is subject to the provisions of this chapter if applicable."

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/27/2003

**SB 423**, be amended as follows:

**STATE INTERNET/BBS COPY**

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1. Page 2, line 28.

**Strike:** "\$1,300"

**Insert:** "\$2,150"

2. Page 2, line 30.

**Strike:** "\$800"

**Insert:** "\$1,300"

3. Page 3, line 2.

**Following:** "year"

**Insert:** "prior to the year"

4. Page 3, line 3.

**Strike:** the first "the"

**Insert:** "a general"

5. Page 3, line 14 and line 29.

**Strike:** "\$50"

**Insert:** "\$35"

6. Page 5, line 9.

**Following:** "year"

**Insert:** "prior to the year"

**Following:** "the"

**Insert:** "general"

7. Page 5.

**Following:** line 11

**Insert:** "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 407 and [this act] are both passed and approved, then [section 42 of Senate Bill No. 407], amending 13-37-218, is void."

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 403**  
Report No. 1, March 27, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 403** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 403** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

**Strike:** "A GENERAL"

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**Insert:** "EACH"

2. Title, page 1, line 5.

**Following:** "OF"

**Insert:** "THE CONTRACTOR'S"

3. Page 1, line 15.

**Strike:** "a GENERAL"

**Insert:** "each"

4. Page 1, line 16.

**Following:** "by"

**Insert:** "contractor's"

5. Page 1, line 24.

**Strike:** "a GENERAL"

**Insert:** "each"

**Following:** "contractor's"

**Insert:** "contractor's"

For the House:

Steinbeisser, Chairman  
Keane  
Lange

For the Senate:

Anderson, Chairman  
Cocchiarella  
DePratu

**MESSAGES FROM THE GOVERNOR**

March 27, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 172** sponsored by Representative Gallik, **House Bill 246** sponsored by Representative Harris, **House Bill 305** sponsored by Representative Peterson et al., **House Bill 339** sponsored by Representative Pattison et al., **House Bill 402** sponsored by Representative Parker et al., and **House Bill 436** sponsored by Representative A. Olson et al. on March 27, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 28, 2003

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The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 156** sponsored by Representative Matthews, **House Bill 176** sponsored by Representative Pattison, **House Bill 391** sponsored by Representative Balyeat, and **House Bill 429** sponsored by Representative Kasten et al. on March 28, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 768**, introduced by Raser, referred to Taxation.

**HB 769**, introduced by Balyeat, referred to Taxation.

**HB 770**, introduced by Fritz, Cocchiarella, Haines, Hedges, Lake, Mahlum, Mendenhall, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 39**, introduced by Gutsche, Bookout-Reinicke, Erickson, referred to Transportation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 750** (requiring a 3/4 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Schrumpf, Shockley, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Younkin, Mr. Speaker.  
Total 68

Noes: Balyeat, Bixby, D. Brown, Dowell, Fisher, Gallik, Gutsche, Harris, Jackson, Jayne, Juneau, Kasten, Lange, Laszloffy, Maedje, Mendenhall, Morgan, Musgrove, Rice, Ross, Ryan, Sales, Sinrud, Small-Eastman, Smith, Stoker, Wagman, Weiss, Wilson, Witt.  
Total 30

Excused: Bergren, Peterson.

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Total 2

Absent or not voting: None.

Total 0

**SB 105**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

**SB 113**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0



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**HB 5** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Sales, Sinrud.

Total 7

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

**HB 9** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Morgan, Pattison, Sales, Shockley, Sinrud, Stoker.

Total 11

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

**HB 13** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser,

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Total 83

Noes: Balyeat, Bookout-Reinicke, R. Brown, Everett, Harris, Hawk, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Rice, Sales, Sinrud.

Total 15

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

**HB 360** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Harris, Maedje.

Total 2

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Thomas in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 658** - Representative Dowell moved **HB 658** do pass.

Representative Shockley moved **HB 658**, second reading copy, be amended as follows:

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1. Title, page 1, line 7.

**Following:** line 6

**Insert:** "CIVIL"

2. Page 2, line 2.

**Following:** line 1

**Insert:** "civil"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: Franklin, Gillan, Lindeen, Thomas.

Total 4

Motion that **HB 658**, as amended, do pass **failed** as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Buzzas, Carney, Cohenour, Cyr, Dowell, Erickson, Everett, Fisher, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Harris, Jent, Juneau, Kaufmann, Lindeen, Maedje, Musgrove, Newman, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 34

Noes: Andersen, Ballantyne, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Devlin, Dickenson, Forrester, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 65

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

Excused: None.

Total 0

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Absent or not voting: Facey.  
Total 1

**HB 727** - Representative E. Clark moved **HB 727** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fuchs, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Lake, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 63

Noes: Ballantyne, Bergren, Bixby, Carney, Cohenour, Cyr, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Jent, Kasten, Keane, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Parker, Rice, Roberts, Ryan, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Weiss.  
Total 36

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**HB 756** - Representative Kaufmann moved **HB 756** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, McKenney, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Laszloffy, Maedje, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 44

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

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**HB 761** - Representative Haines moved **HB 761** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Becker, Bookout-Reinicke, Malcolm.

Total 3

Voted Absentee: Bergren, D. Brown, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 762** - Representative Brueggeman moved **HB 762** do pass. Motion **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 50

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Maedje, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 50

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 268** - Representative Erickson moved **HB 268** do pass.

Representative Fisher moved **HB 268**, second reading copy, be amended as follows:

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1. Title, page 1, line 6.

**Following:** "OCCUR;"

**Insert:** "INCREASING THE AGGREGATE EXEMPTION AMOUNT OF CLASS EIGHT PROPERTY FROM \$5,000 TO \$10,000;"

2. Page 2, line 29.

**Strike:** "\$5,000"

**Insert:** "\$10,000"

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 72

Noes: Andersen, Balyeat, Barrett, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Hawk, Hedges, Jackson, Lewis, Mendenhall, Morgan, Pattison, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 25

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 268**, as amended, do pass **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Everett, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 363** - Representative R. Brown moved consideration of **SB 363** be placed at the top of the second reading board.  
Motion carried.

**HB 295** - Representative Jent moved **HB 295** do pass.

Representative Newman moved **HB 295**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

**Following:** "DRUGS;"

**Insert:** "AND"

**Strike:** "46-18-1001,"

2. Title, page 1, line 9 through line 10.

**Strike:** "; AND" on line 9 through "MCA" on line 10

3. Page 2, line 6 through line 30.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 19.

**Following:** "section 1"

**Insert:** "or negligent vehicular assault"

5. Page 7, line 10.

**Following:** "vehicle,"

**Insert:** "negligent vehicular assault,"

6. Page 8, line 12.

**Strike:** section 7 in its entirety

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 90

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Noes: E. Clark, Devlin, Jayne, Pattison, Rome, Mr. Speaker.  
Total 6

Excused: Bergren, D. Brown, Peterson.  
Total 3

Absent or not voting: Brueggeman.  
Total 1

Motion that **HB 295**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 92

Noes: Jayne, Lambert, Pattison, Ripley, Rome, Shockley, Waitschies, Witt.  
Total 8

Voted Absentee: Bergren, D. Brown, Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 249** - Representative Barrett moved **HB 249** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fuchs, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Lindeen, Matthews, Musgrove, Parker, Raser, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 35

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 71

Noes: Becker, R. Brown, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Kaufmann, Laslovich, Lenhart, Lindeen, Parker, Raser, Ryan, Shockley.  
Total 23

Excused: Bergren, D. Brown, Peterson.  
Total 3

Absent or not voting: Bixby, Gillan, Golie.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/28/2003  
Examined by the sponsor and found to be correct: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700, HJR 30.**  
Signed by the Speaker at 1:50 p.m., March 28, 2003: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700.**

**TAXATION** (Fuchs, Chairman): 3/28/2003  
**HB 757**, introduced bill, be amended as follows:

1. Title, page 1, line 14.  
**Following:** "DISTRICT;"  
**Insert:** "ALLOWING INDIAN TRIBES TO ESTABLISH, UNDER CERTAIN CONDITIONS, A CASINO WITHIN A MUSIC AND ENTERTAINMENT DISTRICT;"

2. Page 3, line 4.  
**Following:** "that"  
**Insert:** ":"  
(i)"

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3. Page 3.

**Following:** line 5

**Insert:** "(ii) promotion of the music and entertainment district is not intended to attract residents of Montana to district casinos; and

(iii) the developer does not intend to compete with other gaming authorized in Montana outside the music and entertainment district;"

4. Page 4, line 14.

**Following:** "district."

**Insert:** "The department shall also determine the suitability of any developer of or other person with a financial interest in a music and entertainment district."

5. Page 7, line 15 through line 23.

**Strike:** subsections (a) through (c) in their entirety

**Renumber:** subsequent subsections

6. Page 7, line 29.

**Strike:** "30% "

**Insert:** "90% "

7. Page 7, line 30.

**Strike:** "(2)(d)"

**Insert:** "(2)(a)"

8. Page 11, line 2.

**Strike:** "one-half"

**Insert:** "40% "

**Following:** "₁"

**Strike:** "and"

9. Page 11.

**Following:** line 2

**Insert:** "(b) 10% must be distributed to the board of horseracing for the promotion of the horseracing industry, for payment of breeders' incentives, and for live horseracing purse distributions; and"

**Renumber:** subsequent subsection

10. Page 11, line 3.

**Strike:** "one-half"

**Insert:** "50% "

11. Page 11, line 6.

**Strike:** "(4)(b)"

**Insert:** "(4)(c)"

12. Page 12, line 18.

**Strike:** "one-half"

**Insert:** "40% "

**Following:** "₁"

**Strike:** "and"

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13. Page 12.

**Following:** line 18

**Insert:** "(b) 10% must be distributed to the board of horseracing for the promotion of the horseracing industry, for payment of breeders' incentives and for live horseracing purse distributions; and"

**Renumber:** subsequent subsection

14. Page 12, line 19.

**Strike:** "one-half"

**Insert:** "50% "

15. Page 12, line 22.

**Strike:** "(4)(b)"

**Insert:** "(4)(c)"

16. Page 13, line 6.

**Strike:** "shall"

**Insert:** "may"

17. Page 13, line 22.

**Strike:** "of revenue"

**Strike:** "3.5% of the casino's gross proceeds;"

**Insert:** ":

(i) 15% of the gross income from each video gambling machine for which a permit has been issued pursuant to [section 24] that would be legal under Title 23, chapter 5, part 6, if located outside a music and entertainment district casino. For purposes of this tax, the limitations on the number of machines provided for in 23-5-611 and the limitations on money played and the value of prizes provided for in 23-5-608 may not be considered when determining whether a video gambling machine is a legal machine under Title 23, chapter 5, part 6.

(ii) 7% of the gross income for all other machines or tables issued a permit under [section 24];"

18. Page 13, line 23.

**Following:** "department"

**Strike:** "of"

19. Page 13, line 24.

**Strike:** the first "revenue"

**Strike:** "of revenue"

20. Page 13, line 26.

**Strike:** "of revenue"

21. Page 13, line 27 through line 30.

**Strike:** "Six-sevenths" on line 27 through "district." on line 30

**Insert:** "The department shall, in accordance with the provisions of 15-1-501, deposit the tax collected pursuant to subsection (1)(a)(i) of this section in the state general fund.

(b) The department shall distribute 89.3% of the tax collected pursuant to subsection (1)(a)(ii) in accordance with the distribution provided for in [section 14(2)].

(c) The department shall distribute 10.7% of the tax collected pursuant to subsection (1)(a)(ii) to the local government that created the music and entertainment district."

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22. Page 13, line 30.

**Strike:** "(2)(b)"

**Insert:** "(2)(c)"

23. Page 14, line 3 through line 4.

**Strike:** "and shall" on line 3 through "interest" on line 4

24. Page 14, line 4.

**Strike:** "15-1-216"

**Insert:** "23-5-136"

25. Page 14, line 4 through line 5.

**Strike:** "The" on line 4 through "penalty." on line 5

26. Page 14, line 19.

**Following:** "[section 19]"

**Insert:** ", subject to the area limitation contained in 23-5-117(4)"

27. Page 15, line 3.

**Following:** "gaming employees"

**Insert:** "employed within a music and entertainment district casino"

28. Page 15, line 29 through line 30.

**Strike:** "All" on line 29 through "system." on line 30

29. Page 16, line 6.

**Strike:** "or secured parties"

30. Page 16, line 11.

**Following:** "operation"

**Insert:** "for the purpose of determining suitability for licensing and the annual renewal of the license"

31. Page 20, line 1.

**Following:** "residency"

**Insert:** "and the ownership interest in more than one licensed establishment"

32. Page 20, line 4.

**Following:** "provisions"

**Insert:** "and the provisions related to ownership interest in more than one licensed establishment"

33. Page 40.

**Following:** line 13

**"NEW SECTION. Section 52. Music and entertainment district casino permit -- tribal agreement -- notification.** (1) The number of casinos authorized by [section 19] may increase from 10 casinos to 11 casinos and the total gaming area authorized by 23-5-117(4) may increase from 500,000 square feet to 550,000 square feet if:

(a) the developer of the music and entertainment district and the tribal governments on the seven Indian reservations located in Montana and the Little Shell band of Chippewa enter into an agreement concerning the ownership and operation of the additional casino; and

(b) the tribal governments on the seven Indian reservations in Montana and the Little Shell band of

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Chippewa enter into a state-tribal compact in which the tribes and the Little Shell band of Chippewa agree to limit gaming on tribal lands to the type of gaming authorized by Title 23, chapter 5, part 6, outside the music and entertainment district.

(2) The attorney general shall notify the code commissioner and the secretary of state if the conditions of subsections (1)(a) and (1)(b) have been met.

**Renumber:** subsequent sections

34. Page 40, line 26 through line 28.

**Strike:** section 54 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Wanzenried moved to reconsider action on **HB 750** third reading today and that it be placed back on third reading.

Representative Maedje moved to table previous motion. Motion **failed** as follows:

Ayes: Balyeat, Everett, Fisher, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Pattison, Rice, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Mr. Speaker.  
Total 25

Noes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.  
Total 71

Excused: Bergren, D. Brown, Peterson.  
Total 3

Absent or not voting: Weiss.  
Total 1

Motion to reconsider action on **HB 750** carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

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Noes: Balyeat, Everett, Fisher, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lewis, Maedje, Mendenhall, Morgan, Rice, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman.

Total 19

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: Weiss.

Total 1

Representative Wanzenried moved to **suspend the rules** for the purpose of placing **HB 750** back on third reading today. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Balyeat, Everett, Fisher, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, McKenney, Mendenhall, Morgan, Rice, Sales, Shockley, Sinrud, Small-Eastman, Stoker, Wagman, Wilson.

Total 20

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: Weiss.

Total 1

Representative Weiss excused at this time.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 750** (requiring a 3/4 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 74

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Noes: Balyeat, Everett, Fisher, Gallik, Hawk, Jackson, Jayne, Juneau, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Musgrove, Rice, Ryan, Sales, Sinrud, Small-Eastman, Stoker, Wagman, Wilson.  
Total 22

Excused: Bergren, D. Brown, Peterson, Weiss.  
Total 4

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker led the House in singing Happy Birthday to Representative Wilson and Page Claire Habein.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 29, 2003. Motion carried.

House adjourned at 3:07 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 29, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Pattison. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives D. Brown, Peterson, and Weiss, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the day:

Meghan Callahan, Hamilton  
Sean Collins, Helena  
William Wangen, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/29/2003

Correctly printed: **SB 101, SB 232, SB 244, SB 325, SB 334.**

Correctly engrossed: **SB 152, SB 270, SB 288, SB 362, SB 406, SB 423.**

Correctly enrolled: **HB 285, HB 333, HB 350, HB 428, HB 583.**

Examined by the sponsor and found to be correct: **HB 285, HB 333, HB 350, HB 428, HB 583.**

Delivered to the Secretary of State at 3:30 p.m., March 28, 2003: **HJR 10, HJR 11, HJR 20, HJR 28, HJR 34.**

Delivered to the Governor for approval at 2:50 p.m., March 28, 2003: **HB 63, HB 122, HB 129, HB 165, HB 174, HB 182, HB 185, HB 236, HB 284, HB 312.**

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 3/28/2003

**SB 166**, be concurred in and be placed on the consent calendar. Report adopted.

**SJR 4**, be concurred in. Report adopted.

**SJR 15**, be concurred in. Report adopted.

**SJR 16**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/29/2003

**SB 24**, be concurred in. Report adopted.

**SB 150**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 163**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 168**, be concurred in. Report adopted.

**SB 197**, be concurred in. Report adopted.

**SB 288**, be amended as follows:

1. Title, line 5.

**Strike:** "REQUIRING"

**Insert:** "CLARIFYING THAT"

2. Title, line 6.

**Following:** "CITY-COUNTY"

**Insert:** "IS NOT REQUIRED"

3. Page 3, line 6.



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**Following:** "(4)"

**Insert:** "do not"

4. Page 3, line 7.

**Strike:** "BUT" through "ADOPTED"

**Insert:** "or to"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/28/2003

**SJR 9**, be concurred in and be placed on the consent calendar. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 47**  
Report No. 1, March 27, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 47** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

1. Senate Committee on Local Government amendments to the first reading copy, dated January 22, 2003.

And, recommend that **Senate Bill 47** (reference copy -- salmon) be amended as follows:

1. Page 3, line 5.

**Strike:** "\$8,000"

**Insert:** "\$25,000"

For the Senate:

Gebhardt, Chairman  
Esp  
Wheat

For the House:

Mendenhall, Chairman  
Cyr  
Morgan

**MESSAGES FROM THE GOVERNOR**

March 28, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 683** sponsored by Representative Brueggeman on March 28, 2003.

**STATE INTERNET/BBS COPY**

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Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committees:

**HB 771**, introduced by Balyeat, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 124** - Representative A. Olson moved **HB 124** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Andersen, Balyeat, D. Brown, Dickenson, Franklin, Fuchs, Golie, Jackson, Jayne, Pattison, Rice, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried.  
Total 17

Voted Absentee: Peterson, Weiss, Ayes; D. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 670** - Representative Buzzas moved **HB 670** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Newman, Noennig, Raser, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss.  
Total 32

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Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 67

Voted Absentee: Weiss, Aye; D. Brown, Peterson, Noes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 713** - Representative Fuchs moved **HB 713** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Ballantyne, Bixby, Buzzas, Carney, E. Clark, P. Clark, Dowell, Erickson, Facey, Fritz, Gutsche, Juneau, Kaufmann, Keane, Lawson, Parker, Ryan, Small-Eastman, Wanzenried.  
Total 19

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 748** - Representative R. Brown moved consideration of **HB 748** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 379** - Representative R. Brown moved consideration of **HB 379** be passed for the day. Motion carried.

**SB 13** - Representative Younkin moved **SB 13** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan,

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Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Fisher, Jayne, Maedje, McKenney, Rice.  
Total 5

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 35** - Representative Noennig moved **SB 35** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 95

Noes: Andersen, E. Clark, Fisher, Lewis, Witt.  
Total 5

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57** - Representative Newman moved **SB 57** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**SB 66** - Representative Younkin moved **SB 66** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 80** - Representative Roberts moved **SB 80** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice,

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Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Buzzas, Haines, Lawson.  
Total 3

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 85** - Representative Roberts moved **SB 85** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Everett, Waitschies.  
Total 3

**SB 97** - Representative Laslovich moved **SB 97** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**SB 126** - Representative Lake moved **SB 126** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 149** - Representative Jacobson moved **SB 149** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

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Noes: None.  
Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**SB 159** - Representative Forrester moved **SB 159** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Barrett, Sinrud.  
Total 2

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 162** - Representative Andersen moved **SB 162** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: P. Clark.



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Total 1

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**SB 180** - Representative Brueggeman moved consideration of **SB 180** be placed below SB 413 on the second reading board. Motion carried.

**SB 188** - Representative Bergren moved **SB 188** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Sales, Sinrud.

Total 3

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**SB 211** - Representative Musgrove moved **SB 211** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

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Noes: None.  
Total 0

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 413** - Representative Jent moved **SB 413** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jent, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Bixby, R. Brown, Buzzas, Devlin, Fuchs, Harris, Hedges, Jayne, Juneau, Kasten, Kaufmann, Lewis, Pattison, Ripley, Sales, Small-Eastman, Windy Boy.  
Total 18

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 180** - Representative Maedje moved **SB 180** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Everett, Sinrud.  
Total 2

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Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 748** - Representative Devlin moved **HB 748** do pass.

Representative Carney moved **HB 748**, second reading copy, be amended as follows:

1. Page 3, line 15.

**Strike:** "and"

2. Page 3.

**Following:** line 15

**Insert:** "(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and"

**Renumber:** subsequent subsection

3. Page 3, line 21.

**Strike:** "and"

4. Page 3.

**Following:** line 21

**Insert:** "(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and"

**Renumber:** subsequent subsection

5. Page 3, line 25.

**Strike:** "and"

6. Page 3.

**Following:** line 25

**Insert:** "(ii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and"

**Renumber:** subsequent subsection

7. Page 24, line 28.

**Strike:** "and"

8. Page 24.

**Following:** line 28

**Insert:** "(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and"

**Renumber:** subsequent subsection

9. Page 25, line 9.

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**Strike:** "and"

10. Page 25.

**Following:** line 9

**Insert:** "(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and"

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Everett, Fuchs.  
Total 2

Excused: D. Brown, Peterson, Weiss.  
Total 3

Absent or not voting: None.  
Total 0

Representative Smith moved **HB 748**, second reading copy, be further amended as follows:

1. Title, page 1, line 8.

**Following:** "TAXING UNITS;"

**Insert:** "PROVIDING THAT AVERAGE NUMBER BELONGING FIGURES BE USED IN DETERMINING THE DISTRIBUTION OF OIL AND NATURAL GAS PRODUCTION TAXES TO SCHOOL DISTRICTS IN A COUNTY;"

2. Page 5, line 16.

**Strike:** "(a)"

**Following:** "distribute"

**Insert:** "the school district share of"

3. Page 5, line 17.

**Strike:** "as provided in subsection (4)(b) through (4)(d)"

**Insert:** "in the proportion that the average number belonging in each school district bears to the total average number belonging in the county for the current school fiscal year"

4. Page 5, line 18 through page 6, line 4.

**Strike:** subsections (4)(b) through (4)(d) in their entirety

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5. Page 6, line 5 through line 6.

**Strike:** "subsections" on line 5 through "(4)(d)" on line 6

**Insert:** "subsection (4)"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 38

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 59

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 748**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bixby, Buzzas, Callahan, Golie, Juneau, A. Olson.

Total 6

Voted Absentee: D. Brown, Peterson, Weiss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Branae, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Bixby, Buzzas, Callahan, Franklin, Gillan, Golie, Jayne, Juneau, Kaufmann, Lindeen, Ryan, Wanzenried.

Total 13

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: Bookout-Reinicke, Schrumpf.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 302** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Lake.

Total 1

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

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**HB 249** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Erickson, Everett, Fritz, Fuchs, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Laszloffy, Lenhart, Matthews, Musgrove, Parker, Raser, Wanzenried, Wilson, Windy Boy.

Total 33

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

**HB 727** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Dickenson, Everett, Facey, Fisher, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Raser, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Bergren, Bixby, Carney, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Forrester, Franklin, Fritz, Galvin-Halcro, Gillan, Gutsche, Harris, Kasten, Keane, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Rice, Roberts, Ryan, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Wilson.

Total 34

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

**HB 756** passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lawson, Lehman, Lewis, Lindeen, Malcolm, McKenney, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Rome, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Wanzenried, Wilson, Windy Boy.

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Total 59

Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Laszloffy, Lenhart, Maedje, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Rice, Roberts, Ross, Sales, Schrumpf, Sinrud, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 38

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

**HB 761** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Becker, Bookout-Reinicke, Malcolm, Smith.

Total 4

Excused: D. Brown, Peterson, Weiss.

Total 3

Absent or not voting: None.

Total 0

**HB 295** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Barrett, Devlin, Jayne, Rice, Ripley, Rome, Smith.

Total 7



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Excused: D. Brown, Peterson, Weiss.  
Total 3

Absent or not voting: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 772**, introduced by Balyeat, referred to Taxation.

**MOTIONS**

Representative Laszloffy moved **SB 359** be taken from the table in the Committee on Transportation and be placed on second reading Legislative Day 68.

Representative Gallus moved previous question.

Motion (requiring 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Laszloffy, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 56

Noes: Andersen, Barrett, Bitney, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Witt.  
Total 41

Excused: D. Brown, Peterson, Weiss.  
Total 3

Absent or not voting: None.  
Total 0

Representative R. Brown moved **SB 35** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved to postpone consideration on **HB 379** until Legislative Day 69.

Representative P. Clark made a substitute motion that **HB 379** be taken from second reading and be rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,

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Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Sales, Shockley, Sinrud, Wanzenried, Wilson, Windy Boy.  
Total 49

Noes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 48

Excused: D. Brown, Peterson, Weiss.  
Total 3

Absent or not voting: None.  
Total 0

Representative Maedje moved to suspend the rules for the late drafting and transmittal of a bill. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, E. Clark, Devlin, Fisher, Forrester, Franklin, Fuchs, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Lake, Lambert, Lange, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy, Witt.  
Total 50

Excused: D. Brown, Peterson, Weiss.  
Total 3

Absent or not voting: Everett.  
Total 1

Representative A. Olson move **SB 239** be taken from the consent calendar and be rereferred to the Committee on State Administration. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker and Representative Jacobson led the House in singing Happy Birthday to Representative Stoker and Representative Facey.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Monday, March 31, 2003. Motion carried.

House adjourned at 10:18 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 31, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wagman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Wilson, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Cassie Dellwo, Polson  
Jennifer Gardner, Ronan  
Bethann Garramon, Choteau  
Anthony Laslovich, Anaconda  
Beth Laslovich, Anaconda  
Brittney Ryan, Stockett  
Kyla Wiens, Great Falls  
Jeremy Williams, Billings  
Jake Zeadow, Three Forks

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/31/2003  
Correctly printed: **SB 24, SB 150, SB 163, SB 166, SB 168, SB 197, SJR 4, SJR 9, SJR 15, SJR 16.**  
Correctly engrossed: **HB 757.**  
Signed by the Speaker at 10:20 a.m., March 29, 2003: **HB 285, HB 333, HB 350, HB 428, HB 583.**  
Delivered to the Secretary of State at 8:13 a.m., March 31, 2003: **HJR 30.**  
Delivered to the Governor for approval at 9:00 a.m., March 31, 2003: **HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711.**

**APPROPRIATIONS** (Lewis, Chairman): 3/31/2003  
**SB 86**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "LAWS;"

**Insert:** "AUTHORIZING STATE SPECIAL AND OTHER FEDERAL FUND SWITCHES;"

2. Title, page 1, line 9.

**Following:** "FTE;"

**Insert:** "PROVIDING BUDGET AMENDMENT EXCEPTIONS FOR STATE SPECIAL REVENUE;"

**Following:** "SECTIONS"

**Insert:** "17-2-108,"

**Following:** "17-2-304"

**Strike:** "AND"

**Insert:** ", "

**Following:** "17-7-111,"

**Insert:** "AND 17-7-402,"

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3. Page 1, line 13.

**Insert: "Section 1.** Section 17-2-108, MCA, is amended to read:

**"17-2-108. Expenditure of nongeneral fund money first.** (1) Except for the exemptions applicable to the Montana historical society in 22-3-114(5) and the Montana state library in 22-1-226(5), an office or entity of the executive, legislative, or judicial branch of state government shall apply expenditures against appropriated nongeneral fund money whenever possible before using general fund appropriations.

(2) The approving authority, as defined in 17-7-102, shall authorize the decrease of the general fund appropriation of an agency by the amount of money received from federal sources in excess of the appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If directed by an appropriation act, the approving authority shall decrease the general fund appropriation of an agency by the amount of money received from nonfederal sources in excess of the appropriation unless the decrease is contrary to state law, state rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which the money is received is increased in the amount of the general fund decrease.

(3) If directed by an appropriation act, the approving authority may decrease a state special revenue, proprietary, or other funds appropriation of an agency by the amount of money received from federal sources in excess of the appropriation unless the decrease is contrary to state or federal law or federal rule. The appropriation for the fund in which the money is received is decreased by the amount of the federal special revenue increase allowed by law, rule, or contract and approved for the purpose."

**Renumber:** subsequent sections

4. Page 4, line 25.

**Insert: "Section 4.** Section 17-7-402, MCA, is amended to read:

**"17-7-402. Budget amendment requirements.** (1) Except as provided in subsection (7), a budget amendment may not be approved:

- (a) by the approving authority, except a budget amendment to spend:
  - (i) additional federal revenue;
  - (ii) additional tuition collected by the Montana university system;
  - (iii) additional revenue deposited in the internal service funds within the department or the office of the commissioner of higher education as a result of increased service demands by state agencies;
  - (iv) Montana historical society enterprise revenue resulting from sales to the public;
  - (v) additional revenue that is deposited in funds other than the general fund and that is from the sale of fuel for those agencies participating in the Montana public vehicle fueling program established by Executive Order 22-91;
  - (vi) revenue resulting from the sale of goods produced or manufactured by the industries program of an institution within the department of corrections; ~~or~~
  - (vii) revenue collected for the administration of the state grain laboratory under the provisions of Title 80, chapter 4, part 7;
  - (viii) revenue collected for the Water Pollution Control State Revolving Fund Act under the provisions of Title 75, chapter 5, part 11;
  - (ix) revenue collected for the Drinking Water State Revolving Fund Act under the provisions of Title 75, chapter 6, part 2; or
  - (x) state special revenue adjustments required to allocate costs for leave or terminal leave within an agency in accordance with federal circular A-87;
- (b) by the approving authority if the budget amendment contains any significant ascertainable commitment for any present or future increased general fund support;
- (c) by the approving authority for the expenditure of money in the state special revenue fund unless an

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emergency justifies the expenditure or the expenditure is exempt under subsection (5);

(d) by the approving authority unless it will provide additional services;

(e) by the approving authority for any matter of which the requesting agency had knowledge at a time when the proposal could have been presented to an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of the most recent legislative session open to that matter, except when the legislative finance committee is given specific notice by the approving authority that significant identifiable events, specific to Montana and pursuant to provisions or requirements of Montana state law, have occurred since the matter was raised with or presented for consideration by the legislature; or

(f) to extend beyond June 30 of the last year of any biennium, except that budget amendments for federal funds may extend to the end of the federal fiscal year.

(2) A general fund loan made pursuant to 17-2-107 does not constitute a significant ascertainable commitment of present general fund support.

(3) Subject to subsection (1)(f), all budget amendments must itemize planned expenditures by fiscal year.

(4) Each budget amendment must be submitted by the approving authority to the budget director and the legislative fiscal analyst.

(5) Money from nonstate or nonfederal sources that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a written agreement, such as a contract, trust agreement, or donation, is exempt from the requirements of this part.

(6) An appropriation for a nonrecurring item that would usually be the subject of a budget amendment must be submitted to the legislature for approval during a legislative session between January 1 and the senate hearing on the budget amendment bill. The bill may include authority to spend money in the current fiscal year and in both fiscal years of the next biennium.

(7) A budget amendment to spend state funds, other than from the general fund, required for matching funds in order to receive a grant is exempt from the provisions of subsection (1)."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 135**, be concurred in. Report adopted.

**SB 243**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/29/2003

**SB 282**, be amended as follows:

1. Title, line 7.

**Strike:** "IMMEDIATE"

2. Page 1, line 30 through page 2, line 1.

**Strike:** "on" on page 1, line 30 through "approval" on page 2, line 1

**Insert:** "July 1, 2003,"

3. Page 2, line 1.

**Strike:** "[the effective date of this act]"

**Insert:** "July 1, 2003"

And, as amended, be concurred in. Report adopted.

**SB 304**, be amended as follows:

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1. Title, line 4.

**Strike:** "DETERMINE"

**Insert:** "STUDY THE ROLE OF THE STATE COMPENSATION INSURANCE FUND AND TO DETERMINE"

2. Title, line 7.

**Following:** "LIABILITIES"

**Insert:** "AND TO STUDY THE CREATION OF AN ASSIGNED RISK POOL"

3. Title, line 7 through line 8.

**Strike:** "PROVIDING" on line 7 through "LIABILITIES;" on line 8

4. Page 1, line 13.

**Following:** "TO STUDY"

**Insert:** "the role and"

5. Page 1, line 14.

**Following:** "FUND"

**Insert:** "and the creation of an assigned risk pool"

6. Page 1, line 22.

**Strike:** "AN AGENT"

**Insert:** "a representative"

7. Page 1, line 29.

**Following:** "FUND"

**Insert:** ", not to exceed \$100,000. The state fund is responsible for providing support functions to the committee and shall provide the support functions under the direction of the committee"

8. Page 2, line 1.

**Strike:** "Sale"

**Insert:** "Study of role and possible sale"

9. Page 2, line 3.

**Following:** "[SECTION 1]"

**Insert:** "shall study the role of the state compensation insurance fund and"

10. Page 2, line 5.

**Following:** "liabilities"

**Insert:** "and to create an assigned risk pool"

11. Page 2, line 6.

**Following:** "concerning"

**Insert:** "the role of the state compensation insurance fund and"

12. Page 2, line 9.

**Following:** "1990"

**Insert:** ", and concerning the creation of an assigned risk pool"

13. Page 2, line 13 through line 16.

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**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**SB 360**, be concurred in. Report adopted.

**SJR 17**, be amended as follows:

1. Page 1, line 16.

**Following:** "excluding"

**Strike:** "indemnity"

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/31/2003

**SB 37**, be amended as follows:

1. Title, page 1, line 14 through line 16.

Strike: "ALLOWING" on line 14 through "YEARS;" on line 16.

**Insert:** "PROVIDING THAT A PERSON HAS THE RIGHT TO WAIT 15 MINUTES AFTER THE PERSON IS STOPPED BEFORE TAKING AN ALCOHOL CONCENTRATION TEST; REQUIRING THE COURT TO TAKE POSSESSION OF A PERSON'S DRIVER'S LICENSE AND ISSUE A PROBATIONARY LICENSE UNDER CERTAIN CIRCUMSTANCES AND FOR CERTAIN PURPOSES UPON A FIRST CONVICTION; CHANGING FROM THE FOURTH OFFENSE TO THE THIRD OFFENSE THE POINT AT WHICH ALL PREVIOUS CONVICTIONS ARE USED TO DETERMINE THE NUMBER OF PRIOR OFFENSES;"

2. Title, page 1, line 18 through line 22.

**Strike:** "REVISING" on line 18 through "LIST;" on line 22.

3. Title, page 1, line 23.

**Strike:** "61-8-731,"

4. Page 2, line 22.

**Following:** "deposit"

**Insert:** "one-half of"

**Strike:** ". One-half"

**Insert:** "and the other half"

5. Page 2, line 23.

**Strike:** "must be appropriated and"

**Insert:** "in an account in the state special revenue fund to be"

6. Page 5, line 12.

**Following:** "6 months"

**Strike:** "."

7. Page 5, line 14.

**Following:** "upon"

**Insert:** ", except that if the court report states that the court found that the person was not the cause of an accident that



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occurred at the time of the offense, that the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the department may not suspend the license. The department may not disseminate information or records of the conviction to any person or entity for any purpose, except that the information and records may be disseminated to law enforcement, prosecutors, and courts, which may use the information and records for the sole purpose of determining whether a person has a prior conviction under 61-8-401 or 61-8-406 and may not further disseminate the information or records."

8. Page 8, line 18 through line 22.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

9. Page 9, line 1.

**Strike:** "(7)"

**Insert:** "(6)"

10. Page 9, line 9 through line 11.

**Strike:** "and," on line 9 through "revocation" on line 11

11. Page 9, line 14 through line 16.

**Strike:** "and," on line 14 through "revocation" on line 16

12. Page 10, line 21.

**Following:** "(3)"

**Insert:** "(a)"

13. Page 10, line 24.

**Following:** line 23

**Insert:** "(b) The test may not be given until at least 15 minutes after the peace officer stopped the person."

14. Page 10, line 30.

**Strike:** "(4) through (9)"

**Insert:** "(3) through (8)"

15. Page 12, line 1.

**Following:** "defendant."

**Insert:** "If the court finds that the person was not the cause of an accident that occurred at the time of the offense, that the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the court shall take possession of the person's driver's license for a period of 6 months and immediately issue the person a probationary license allowing the person to drive for occupational and emergency purposes and any other purposes found appropriate by the court. The court shall include the finding in its report of the conviction to the department of justice."

16. Page 12, line 21.

**Following:** "period of"

**Insert:** "the taking of the driver's license under subsection (1) or of"

17. Page 13, line 9.

**Following:** "\$1,000."

**Insert:** "If the court finds that the person was not the cause of an accident that occurred at the time of the offense, that

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the person did not refuse a requested test for alcohol concentration, and that no test taken by the person resulted in an alcohol concentration above 0.12, the court shall take possession of the person's driver's license for a period of 6 months and immediately issue the person a probationary license allowing the person to drive for occupational and emergency purposes and any other purposes found appropriate by the court. The court shall include the finding in its report of the conviction to the department of justice."

18. Page 13, line 23.

**Following:** "period of"

**Insert:** "the taking of the driver's license under subsection (1) or of"

19. Page 14, line 8 through page 15, line 30.

**Strike:** sections 12 and 13 in their entirety

**Renumber:** subsequent sections

20. Page 16, line 12.

**Strike:** "fourth"

**Insert:** "third"

21. Page 17, line 5 through line 6.

**Strike:** section 16 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 263**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "WITNESS OR"

2. Page 1, line 11 through line 12.

**Strike:** "or" on line 11 through "witnesses to" on line 12

3. Page 1, line 25 through page 2, line 7.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 2, line 16.

**Strike:** ", after" through "jury,"

5. Page 2, line 18 through line 20.

**Strike:** "(i) the" on line 18 through "(ii)" on line 20

6. Page 2, line 20 through line 22.

**Strike:** ", whether" on line 20 through "setting" on line 22

7. Page 2, line 27 through line 29.

**Strike:** "WHETHER" on line 27 through "TESTIMONY," on line 29

8. Page 2, line 30.

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**Strike:** "indicate"

**Insert:** "the offering party believes support"

9. Page 3, line 1 through line 2.

**Strike:** "The" on line 1 through "shown." on line 2

**Strike:** "judge" on line 2

**Insert:** "court"

10. Page 3, line 3.

**Strike:** "judge's ruling"

**Insert:** "court's reasoning"

**Strike:** "child hearsay"

**Insert:** "the child's"

11. Page 3, line 5.

**Strike:** "judge may"

**Insert:** "court shall"

12. Page 3, line 19.

**Strike:** "might have"

**Insert:** "has"

13. Page 3, line 21.

**Strike:** "might have"

**Insert:** "has"

14. Page 3, line 27.

**Strike:** "volunteered spontaneously"

**Insert:** "spontaneous"

15. Page 3, line 28.

**Strike:** "prior"

16. Page 3, line 28 through line 29.

**Strike:** "the witness" on line 28 through "made" on line 29

**Insert:** "other persons to the child at the time that the child made the statement"

17. Page 4, line 9.

**Insert:** "(4) As used in this section, "child" means a person under 15 years of age."

18. Page 4, line 10.

**Strike:** "SECTIONS 1 AND 2"

**Insert:** "Section 1"

**Strike:** "ARE"

**Insert:** "is"

19. Page 4, line 12.

**Strike:** "SECTIONS 1 AND 2"

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**Insert:** "section 1"

And, as amended, be concurred in. Report adopted.

**SB 400**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "PENALTIES;"

**Insert:** "INCREASING FROM \$500 TO \$1,000 THE AMOUNT OF PROPERTY DAMAGE NEEDED TO MAKE THE  
OFFENSE A FELONY;"

2. Page 1, line 19.

**Strike:** "\$500"

**Insert:** "\$1,000"

3. Page 1, line 23.

**Strike:** "\$500"

**Insert:** "\$1,000"

4. Page 1, line 28 through line 29.

**Following:** "both" on line 28

**Strike:** ", " through "46-18-222" on line 29

5. Page 2, line 2 through line 3.

**Strike:** ", except" on line 2 through "46-18-222" on line 3

And, as amended, be concurred in. Report adopted.

**SB 447**, be amended as follows:

1. Title, page 1, line 4 through line 8.

**Strike:** "GENERALLY" on line 4 through "MCA" on line 8

**Insert:** "ELIMINATING THE TEST FOR LIABILITY FOR DISCLOSURE OF INFORMATION ABOUT AN  
EMPLOYEE'S OR FORMER EMPLOYEE'S PERFORMANCE"

2. Page 1, line 14 through page 3, line 10.

**Strike:** section 1 through section 4 in their entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/31/2003

**SB 130**, be amended as follows:

1. Page 12, line 8.

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved and if Senate Bill No. 112 includes an amendment to 87-2-202 that increases resident and nonresident wildlife conservation license fees by adding a 50-cent search and rescue surcharge, then the resident and nonresident wildlife conservation license fees in 87-2-202(3)(a) and (3)(b) of [this act] are increased by 50 cents."

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**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 326**, be amended as follows:

1. Title, line 9 through line 11.

**Strike:** "CHANGING" on line 9 through "REQUIRE" on line 10

**Insert:** "CLARIFYING THAT THE EXTENT TO WHICH THE REQUIRED"

**Following:** "POLICY" on line 10

**Insert:** "ARE ADDRESSED IS AT THE FULL DISCRETION OF THE GOVERNING BODY"

**Strike:** "PROVIDING" on line 10 through "AREA;" on line 11

2. Title, line 13 through line 15.

**Strike:** "CLARIFYING" on line 13 through "THAT A" on line 14

**Insert:** "REVISING THE PROVISIONS GOVERNING THE USE OF AN ADOPTED"

**Strike:** "IS" on line 14 through the second "LAWS" on line 15

3. Title, line 16 through line 17.

**Following:** "76-1-604,"

**Insert:** "AND"

**Strike:** "76-2-201" on line 16 through "76-4-127," on line 17

4. Page 3, line 9.

**Strike:** "may"

**Insert:** "must"

**Strike:** "or part"

5. Page 3.

**Following:** line 10

**Insert:** "(2) The extent to which a growth policy addresses the elements of a growth policy that are listed in subsection (3) is at the full discretion of the governing body."

**Renumber:** subsequent subsections

6. Page 3, line 11.

**Strike:** "may"

**Insert:** "must"

7. Page 4, line 3.

**Strike:** "(2)(a)"

**Insert:** "(3)(a)"

8. Page 6, line 16 through line 18.

**Strike:** "i." on line 16 through "(ii)" on line 18

9. Page 6, line 20 through line 21.

**Strike:** "withhold," on line 20

**Following:** "deny" on line 20

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**Strike:** " " through "on"

**Following:** "approval" on line 20

**Strike:** "or" on line 20 through "act" on line 21

10. Page 6, line 23 through page 10, line 27.

**Strike:** section 8 through section 14 in their entirety

11. Page 10.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 8. Coordination instruction.** (1) If Senate Bill No. 340 and [this act] are both passed and approved and both bills amend 76-1-605, then [section 1] of Senate Bill No. 340, amending 76-1-605, is void.

(2) If [this act] is passed and approved and it revises the definition of growth policy in 76-1-103 to include a master plan adopted before October 1, 1999, then House Bill No. 511 is void."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

3/31/2003

**SB 217**, be concurred in. Report adopted.

**SB 295**, be amended as follows:

1. Title, line 13.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 8.

**Following:** line 6

**Insert:** "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2007."

And, as amended, be concurred in. Report adopted.

**SB 414**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/29/2003

**SB 267**, introduced by Stapleton

**SB 323**, introduced by Grimes

**SB 424**, introduced by Nelson

**SB 451**, introduced by Esp

**SB 454**, introduced by Story

**SB 458**, introduced by McNutt

**House bills** concurred in and returned to the House:

3/28/2003

**HB 196**, introduced by Fisher

**HB 323**, introduced by Jent

**HB 340**, introduced by Andersen

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**HB 354**, introduced by Newman  
**HB 458**, introduced by Musgrove  
**HB 549**, introduced by Dickenson  
**HB 554**, introduced by Kasten

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/28/2003

**HB 54**, introduced by Newman  
**HB 159**, introduced by Haines  
**HB 183**, introduced by Steinbeisser  
**HB 197**, introduced by Becker  
**HB 289**, introduced by Newman  
**HB 317**, introduced by Shockley  
**HB 338**, introduced by Keane  
**HB 437**, introduced by A. Olson  
**HB 564**, introduced by Lindeen  
**HB 610**, introduced by Bergren  
**HB 703**, introduced by Parker

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 267**, introduced by Stapleton, R. Brown, Brueggeman, F. Thomas, referred to Taxation.  
**SB 323**, introduced by Grimes, referred to Appropriations.  
**SB 424**, introduced by Nelson, referred to Education.  
**SB 451**, introduced by Esp, referred to Appropriations.  
**SB 454**, introduced by Story, referred to Education.  
**SB 458**, introduced by McNutt, Forrester, Laszloffy, Shea, Sprague, referred to Business and Labor.

Majority Leader Brown moved that the House recess until 12:30 p.m. for caucuses. Motion carried.

House recessed at 12:10 p.m.

House reconvened at 12:33 p.m. All members present, except Representative Wilson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):

3/31/2003

**SJR 14**, be concurred in and be placed on the consent calendar. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 749** - Representative Peterson moved **HB 749** do pass.

Representative Peterson moved **HB 749**, second reading copy, be amended as follows:

1. Page 18, line 20.

**Strike:** "**SPECIAL**"

**Insert:** "motor"

**Following:** "**FUEL**."

**Insert:** "(1) The sale and use of gasoline, ethanol blended for fuel, and special fuel, including natural gas or propane, upon which tax has been paid or will be paid under Title 15, chapter 70, are exempt from the sales tax and use tax.

(2) "

2. Page 39, line 17 through line 18.

**Strike:** "**RATIO**" on line 17 through "**SOURCES**" on line 18

**Insert:** "apportionment fraction determined under 15-31-305"

3. Page 39.

**Following:** line 30

**Insert:** "**NEW SECTION. Section 67. Sales tax refundable income tax credit.** (1) One individual taxpayer in each household is allowed a credit against the taxes imposed by 15-30-103 to partially offset the payment of household sales taxes in an amount as follows:

|                        | Amount  |
|------------------------|---------|
| Gross Household Income | Allowed |
| \$30,000 or less       | \$175   |
| \$30,001 to \$35,000   | \$150   |
| \$35,001 to \$40,000   | \$100   |
| \$40,001 to \$45,000   | \$75    |
| Over \$45,000          | \$0     |

(2) If the amount of the credit determined under subsection (1) is more than the amount of tax owed under 15-30-103, the excess must be refunded to the taxpayer.

(3) A fiduciary or a beneficiary of an estate or trust who was required to file an income tax return pursuant to 15-30-135 is not considered a taxpayer unless a return was filed on behalf of the decedent for the previous year.

(4) For the purposes of this section:

(a) "gross household income" has the same meaning as provided in 15-30-171; and

(b) "income" has the same meaning as provided in 15-30-171."

**Renumber:** subsequent sections

4. Page 105, line 17.

**Strike:** "**66**"

**Insert:** "67"

5. Page 105, line 18.

**Strike:** "**67**"

**Insert:** "68"

**Strike:** "**110**"

**Insert:** "111"

6. Page 105, line 22.



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**Strike:** "67"  
**Insert:** "68"  
**Strike:** "110"  
**Insert:** "111"

7. Page 106, line 2.

**Following:** "63"  
**Insert:** ", "  
**Strike:** "and"  
**Following:** "64"  
**Insert:** ", and 67"

8. Page 106, line 3.

**Following:** "63"  
**Insert:** ", "  
**Strike:** "and"  
**Following:** "64"  
**Insert:** ", and 67"

9. Page 106, line 17.

**Strike:** "110"  
**Insert:** "111"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Weiss, Windy Boy.  
Total 2

Excused: Wilson.  
Total 1

Absent or not voting: Bookout-Reinicke, Jent.  
Total 2

Representative Erickson moved **HB 749**, second reading copy, be further amended as follows:

1. Title, page 1, line 19 through line 24.

**Strike:** "PROVIDING" on line 19 through "PROGRAM;" on line 24  
**Insert:** "PROVIDING FOR A REFUNDABLE INCOME TAX CREDIT FOR SALES TAXES AND USE TAXES

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PAID; INCREASING THE ELDERLY RENTER CREDIT; REVISING CERTAIN PROPERTY TAX LAWS; DECREASING THE CLASS FOUR PROPERTY TAX RATE FROM 3.794 PERCENT TO 3 PERCENT; REVISING THE PROPERTY TAX EXEMPTIONS FOR CLASS FOUR RESIDENTIAL PROPERTY, RENTAL MULTIFAMILY DWELLINGS, AND COMMERCIAL PROPERTY; PROVIDING A PROPERTY TAX EXEMPTION FOR CLASS THREE AGRICULTURAL LAND; PROVIDING REIMBURSEMENTS TO LOCAL GOVERNMENT TAXING JURISDICTIONS TO OFFSET THE PROPERTY TAX EXEMPTIONS; ELIMINATING THE PHASE-IN PROVISIONS RELATED TO THE REAPPRAISAL OF CERTAIN PROPERTY; ELIMINATING MOST STATE INCOME TAX DEDUCTIONS; PROVIDING A STATUTORY APPROPRIATION;"

2. Page 1, line 26.

**Following:** "15-1-501,"

**Insert:** "15-6-133, 15-6-134, 15-6-138, 15-6-201, 15-7-102, 15-7-111, 15-8-111,"

**Strike:** "15-16-101,"

3. Title, page 1, line 27.

**Following:** "15-30-137,"

**Insert:** "15-30-171,"

4. Page 1, line 28.

**Following:** "15-31-114,"

**Insert:** "15-32-405,"

**Strike:** "17-7-301,"

5. Title, page 1, line 28 through line 30.

**Strike:** "20-3-106," on line 28 through "20-10-144," on line 30

6. Title, page 2, line 1.

**Strike:** "REPEALING" through "2001;"

7. Page 37, line 29 through page 39, line 29.

**Strike:** section 62 through section 66 in their entirety

**Insert:** "NEW SECTION. Section 62. Disposition of sales tax and use tax collections. All money collected under the provisions of [sections 1 through 53] must be deposited in the general fund."

**Insert:** "NEW SECTION. Section 63. Credit for sales tax and use tax. (1) Except as provided in subsection (2), there is allowed in consideration of sales taxes and use taxes paid a credit, as provided in subsections (3) and (4), against the tax liability for each resident or part-year resident who files an individual Montana income tax return under this chapter. The credit may be claimed even though the taxpayer does not have taxable income under this chapter.

(2) The credit allowed in this section may not be claimed by a resident who:

(a) is confined in a public institution or a private prison for more than 6 months during the tax year for which the credit is claimed;

(b) is not physically present for at least 6 months during the tax year for which the credit is claimed.

(3) The credit allowed under [sections 63 through 66] is equal to:

(a) \$200 for each individual filing separately; and

(b) \$400 for each head of household and married taxpayers filing jointly.

(4) If the amount of the credit allowed in this section exceeds the claimant's tax liability under this chapter by \$1 or more, the department shall refund the amount. If the amount is less than \$1, the department may not make a refund."

**Insert:** "NEW SECTION. Section 64. Credit for sales tax and use tax -- filing date -- extension. (1) Except as provided in subsection (2), a claim for a credit must be submitted at the same time that the claimant's individual income

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tax return is due. For a claimant not required to file a tax return, a claim must be submitted on or before April 15 of the year following the year for which the credit is claimed.

(2) The department may grant a reasonable extension for filing a claim whenever in its judgment good cause exists.

(3) If an individual who would have a claim under [sections 63 through 66] dies before filing the claim, the personal representative of the estate of the decedent may file the claim."

**Insert: "NEW SECTION. Section 65. Examination of credit claims -- adjustments -- delivery of notices and demands.** (1) The department may examine a claim for a credit and may make an investigation of the records and accounts of a claimant if the department considers it necessary to determine the accuracy of the claim.

(2) If the department determines that the amount of the credit due is different from the amount reported, the amount of credit computed on the basis of the examination conducted pursuant to subsection (1) is the amount of credit due.

(3) If the credit due is less than the amount claimed as due by the claimant, the excess must be paid to the department within 60 days after notice and demand for payment are mailed to the claimant.

(4) The notice and demand provided for in this section must contain a statement of the computation of the credit and must be:

- (a) sent to the claimant at the address given on the claim, if any, or to the claimant's last-known address; or
- (b) served personally upon the claimant."

**Insert: "NEW SECTION. Section 66. Penalties for violation.** (1) If a claimant, without purposely or knowingly, as those terms are defined in 45-2-101, violates the provisions of [sections 63 through 66] and receives a credit for which the claimant is not entitled, there must be added a penalty of 10% of the amount of the excess, but the penalty may not be less than \$20. Interest on the amount of the excess is as provided in 15-1-216 and must be added to the penalty until the debt is satisfied.

(2) If a claimant purposely or knowingly violates the provisions of [sections 63 through 66], the claimant is subject to the provisions of subsection (1) and the department may deny future claims by the claimant."

**Insert: "NEW SECTION. Section 67. Reimbursements to taxing jurisdictions -- adjustments to debt limits.** (1) (a) The department shall determine the amount of property tax revenue lost by each local government taxing jurisdiction as the result of the reduced tax rate applied to land described in 15-6-133(1)(a) and to property described in 15-6-134(1)(e) through (1)(h) and as the result of the class three agricultural land property tax exemption provided for in 15-6-201(1)(cc) and the class four property tax exemptions provided for in 15-6-201(1)(z), (1)(aa), and (1)(bb). The determination must be made by July 15, 2005, for fiscal year 2006. The department shall use fiscal year 2005 as the base for the determination of changes of property tax revenue.

(b) The department shall determine the amount of revenue due each local government taxing jurisdiction for fiscal year 2005 from the property tax imposed on class three agricultural land described in 15-6-133(1)(a) and on class four property described in 15-6-134(1)(e) through (1)(h).

(2) The department shall then calculate for each local government taxing jurisdiction for fiscal year 2005, using fiscal year 2005 mill levies, the amount of revenue that would have been due from the property tax imposed on class three property and class four property if the reduced tax rate in 15-6-134(2)(a) and the exemption amounts in 15-6-201(1)(z) and (1)(aa) through (1)(cc) had been in effect for fiscal year 2005.

(3) (a) Each local government taxing jurisdiction that lost property tax revenue in fiscal year 2005, based on the difference between the calculation in subsections (1)(b) and (2), must receive the total amount of the difference in fiscal year 2006 and each succeeding fiscal year.

(b) Payments must be made in two similar installments for each fiscal year by November 30 and May 31. Each local government taxing jurisdiction shall distribute the revenue received among its funds and districts according to current year mill levies.

(4) (a) Except as provided in subsection (5), the amount of loss determined in subsection (3) for each local government taxing jurisdiction is converted to assessed value of taxable property by dividing the amount of the loss by the applicable mill levy and then by dividing that amount by the applicable property tax rate. The amount must be added to the local government taxing jurisdiction's taxable assessed value to determine its bonding debt limit.

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(b) The amount determined under subsection (4)(a) must be added to the assessed value of taxable property of a local government taxing jurisdiction to determine its bonding debt limits.

(5) The amount of loss calculated for each elementary and high school district in subsection (3) is converted to taxable value by dividing the loss by the applicable mill levy. That amount must be added to the school district's taxable value to determine its bonding debt limit under 20-9-406.

(6) (a) For the purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-133(1)(a) and 15-6-134(1)(e) through (1)(h), including county governments, incorporated city and town governments, consolidated city-county governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts.

(b) Tax levies by local government taxing jurisdiction include countywide mills levied for equalization of school retirement or transportation.

(c) Tax levies by a local government taxing jurisdiction do not include county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360, the Montana university levy under 20-25-423, or the vocational-technical education levy under 20-25-439.

(d) Each tax increment financing district must receive the benefit of the state mill levy on the incremental taxable value of the district.

(7) A local government taxing jurisdiction that ceases to exist after December 31, 2004, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 2006, will not be considered for revenue loss or reimbursement purposes. If a local government taxing jurisdiction that existed prior to January 1, 2006, is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions.

(8) The amounts necessary for reimbursing local government taxing jurisdictions, as provided in this section, are statutorily appropriated, as provided in 17-7-502, from the general fund to reimburse each local government taxing jurisdiction."

**Renumber:** subsequent sections

8. Page 40, line 16.

**Strike:** "any"

**Strike:** "collections" through "fund"

9. Page 40.

**Following:** line 26

**Insert:** "**Section 69.** Section 15-6-133, MCA, is amended to read:

**"15-6-133. Class three property -- description -- taxable percentage.** (1) Class three property includes:

(a) subject to 15-6-201(1)(cc), agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. For the purposes of this subsection (1)(b), the following provisions apply:

(i) The claim may not include any property that is used for residential purposes, recreational purposes, as described in 70-16-301, or commercial purposes, as defined in 15-1-101 or any property the surface of which is being used for other than mining purposes or has a separate and independent value for other purposes.

(ii) Improvements to the property that would not disqualify the parcel are taxed as otherwise provided in this title, including that portion of the land upon which the improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for

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valuation, assessment, and taxation as agricultural land under 15-7-202(1). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate applicable to class four property, as provided in 15-6-134(2)(a).

(3) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at the average grade of grazing land, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

**Insert: "Section 70.** Section 15-6-134, MCA, is amended to read:

**"15-6-134. Class four property -- description -- taxable percentage.** (1) Class four property includes:

(a) subject to 15-6-201(1)(z), ~~and (1)(aa), and (1)(bb)~~ and subsections (1)(f) ~~and (1)(g)~~ through (1)(h) of this section, all land, except that specifically included in another class;

(b) subject to 15-6-201(1)(z), ~~and (1)(aa), and (1)(bb)~~ and subsections (1)(f) ~~and (1)(g)~~ through (1)(h) of this section, all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(c) the first \$100,000 or less of the taxable market value of any improvement on real property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses but before deducting depreciation or depletion allowance, or both.

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(e) subject to 15-6-201(1)(z), all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(f) (i) single-family residences, including trailers, manufactured homes, or mobile homes; and

(ii) appurtenant improvements to the residences, including the parcels of land upon which the residences are located and any leasehold improvements;

~~(ii)(g)~~ (i) rental multifamily dwelling units;

~~(iii)(ii)~~ (ii) appurtenant improvements to the ~~residences or~~ dwelling units, including the parcels of land upon which the ~~residences and~~ dwelling units are located and any leasehold improvements; and

~~(iv)(iii)~~ (iii) vacant residential lots; and

~~(g)(h)~~ (i) commercial buildings and the parcels of land upon which they are situated; and

(ii) vacant commercial lots.

(2) Class four property is taxed as follows:

(a) ~~(i) Except as provided in 15-24-1402, 15-24-1501, and 15-24-1502, and subsection (2)(a)(ii) of this section, property described in subsections (1)(a), (1)(b), and (1)(e), (1)(f), and (1)(g) through (1)(h) of this section is taxed at 3.794% 3% of its taxable market value in tax year 1999.~~

~~(ii) The taxable percentage rate in subsection (2)(a)(i) must be adjusted downward by subtracting 0.0835 percentage points each year until the tax rate is equal to or less than 3.46%.~~

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the rate provided in subsection ~~(2)(a)(ii)~~ (2)(a) of its market value multiplied by a percentage figure based on income and determined from the following table:

| Income<br>Single Person | Income<br>Married Couple<br>Head of Household | Percentage<br>Multiplier |
|-------------------------|---|--------------------------|
| \$0 - \$ 6,000          | \$0 - \$8,000                                 | 20%                      |

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|                |                 |     |
|----------------|-----------------|-----|
| 6,001 - 9,200  | 8,001 - 14,000  | 50% |
| 9,201 - 15,000 | 14,001 - 20,000 | 70% |

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection ~~(2)(a)(i)~~ (2)(a).

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property.'''

**Insert: "Section 71.** Section 15-6-138, MCA, is amended to read:

**"15-6-138. (Temporary) Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-201~~(1)(bb)~~(1)(dd);

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as providers as provided in 15-6-201, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(f) special mobile equipment as defined in 61-1-104;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens' band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) If, in any year beginning with tax year 2004, the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 2.85% from the prior year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero.

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(b) The department shall calculate the percentage growth in subsection (5)(a) by using the formula  $(W/CPI) - 1$ , where:

(i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(ii) CPI is the consumer price index for the most current available year used in subsection (5)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (5)(b)(i).

(c) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) The class eight property of a person or business entity that owns an aggregate of \$5,000 or less in market value of class eight property is exempt from taxation. (Repealed on occurrence of contingency--secs. 27(2), 31(4), Ch. 285, L. 1999.)"

**Insert: "Section 72.** Section 15-6-201, MCA, is amended to read:

**"15-6-201. (Temporary) Exempt categories.** (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

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- (k) motor homes;
- (l) all watercraft;
- (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
- (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
- (o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
- (ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;
- (p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;
- (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.
- (r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
  - (A) construct, repair, and maintain improvements to real property; or
  - (B) repair and maintain machinery, equipment, appliances, or other personal property;
- (ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;
- (s) harness, saddlery, and other tack equipment;
- (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;
- (u) timber as defined in 15-44-102;
- (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;
- (w) all vehicles registered under 61-3-456;
- (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
- (ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);
- (y) motorcycles and quadricycles;
- (z) ~~the following percentage 66.5%~~ of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):
  - ~~—— (i) 23% for tax year 2000;~~
  - ~~—— (ii) 27.5% for tax year 2001; and~~
  - ~~—— (iii) 31% for tax year 2002 and succeeding tax years;~~
  - ~~(aa) 51% of the market value of rental multifamily residential property as described in 15-6-134(1)(g);~~
  - ~~(aa)(bb) the following percentage 29.5%~~ of the market value of commercial property as described in 15-6-134(1)(g)(1)(h):
    - ~~—— (i) 9% for tax year 2000;~~
    - ~~—— (ii) 11% for tax year 2001; and~~



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- (iii) 13% for tax year 2002 and succeeding tax years;  
~~(bb)~~(cc) 18% of the productive capacity value of agricultural land as described in 15-6-133(1)(a);  
~~(dd)~~ personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;  
~~(ee)~~(ee) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
- (i) the acquired cost of the personal property is less than \$15,000;
  - (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
  - (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- ~~(dd)~~(ff) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility; and  
~~(ee)~~(gg) light vehicles as defined in 61-1-139.
- (2) (a) For the purposes of subsection (1)(e):
- (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:
    - (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
    - (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
  - (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.
- (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:
- (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
  - (ii) held for future display; or
  - (iii) used to house or store a public display.
- (3) For the purposes of subsection ~~(1)(bb)~~ (1)(dd):
- (a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.
  - (b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.
- (4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

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- (a) \$20,000 in the case of a single-family residential dwelling;
- (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

**15-6-201. (Effective on occurrence of contingency) Exempt categories.** (1) The following categories of property are exempt from taxation:

- (a) except as provided in 15-24-1203, the property of:
  - (i) the United States, except:
    - (A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or
  - (B) as provided in 15-24-1103;
  - (ii) the state, counties, cities, towns, and school districts;
  - (iii) irrigation districts organized under the laws of Montana and not operating for profit;
  - (iv) municipal corporations;
  - (v) public libraries; and
  - (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;
- (b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;
- (c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
- (d) property that is:
  - (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
  - (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
  - (iii) not maintained and operated for private or corporate profit;
- (e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;
- (f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;
- (g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;
- (h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (i) truck canopy covers or toppers and campers;
- (j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- (k) motor homes;
- (l) all watercraft;
- (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
- (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
- (o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
  - (ii) property that is owned and used by an organization owning and operating facilities that are for the care of

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the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) ~~the following percentage 66.5%~~ of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):

~~\_\_\_\_\_ (i) 23% for tax year 2000;~~

~~\_\_\_\_\_ (ii) 27.5% for tax year 2001; and~~

~~\_\_\_\_\_ (iii) 31% for tax year 2002 and succeeding tax years;~~

~~(aa) 51% of the market value of rental multifamily residential property as described in 15-6-134(1)(g);~~

~~(aa)(bb) the following percentage 29.5% of the market value of commercial property as described in 15-6-134(1)(g)(1)(h):~~

~~\_\_\_\_\_ (i) 9% for tax year 2000;~~

~~\_\_\_\_\_ (ii) 11% for tax year 2001; and~~

~~\_\_\_\_\_ (iii) 13% for tax year 2002 and succeeding tax years;~~

~~(bb)(cc) 18% of the productive capacity value of agricultural land as described in 15-6-133(1)(a);~~

~~(dd)~~ personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;

~~(ee)~~(ee) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than \$15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;

~~(dd)~~(ff) all agricultural implements and equipment;

~~(ee)~~(gg) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;

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~~(ff)~~(hh) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class five;  
~~(gg)~~(ii) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

~~(hh)~~(jj) special mobile equipment as defined in 61-1-104;

~~(ii)~~(kk) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

~~(jj)~~(ll) x-ray and medical and dental equipment;

~~(kk)~~(mm) citizens' band radios and mobile telephones;

~~(ll)~~(nn) radio and television broadcasting and transmitting equipment;

~~(mm)~~(oo) cable television systems;

~~(nn)~~(pp) coal and ore haulers;

~~(oo)~~(qq) theater projectors and sound equipment; and

~~(pp)~~(rr) light vehicles as defined in 61-1-139.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection ~~(1)(bb)~~ (1)(dd):

(a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) \$20,000 in the case of a single-family residential dwelling;

(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

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**Insert: "Section 73.** Section 15-7-102, MCA, is amended to read:

**"15-7-102. Notice of classification and appraisal to owners -- appeals.** (1) (a) Except as provided in 15-7-138, the department shall mail to each owner or purchaser under contract for deed a notice of the classification of the land owned or being purchased and the appraisal of the improvements on the land only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

- (i) change in ownership;
- (ii) change in classification;
- (iii) ~~except as provided in subsection (1)(b);~~ change in valuation; or
- (iv) addition or subtraction of personal property affixed to the land.

~~(b) After the first year, the department is not required to mail the notice provided for in subsection (1)(a)(iii) if the change in valuation is the result of an annual incremental change in valuation caused by the phasing in of a reappraisal under 15-7-111 or the application of the exemption under 15-6-201 or caused by an incremental change in the tax rate.~~

~~(c)(b)~~ The notice must include the following for the taxpayer's informational purposes:

- (i) the total amount of mills levied against the property in the prior year; and
- (ii) a statement that the notice is not a tax bill.

~~(d)(c)~~ Any misinformation provided in the information required by subsection ~~(1)(c)~~ (1)(b) does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(2) (a) Except as provided in subsection (2)(c), the department shall assign each assessment to the correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a standardized form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(c) The department is not required to mail the notice of classification and appraisal to a new owner or purchaser under contract for deed unless the department has received the transfer certificate from the clerk and recorder as provided in 15-7-304 and has processed the certificate before the notices required by subsection (2)(a) are mailed. The department shall notify the county tax appeal board of the date of the mailing.

(3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of the land or improvements, the owner may request an assessment review by submitting an objection in writing to the department, on forms provided by the department for that purpose, within 30 days after receiving the notice of classification and appraisal from the department. The review must be conducted informally and is not subject to the contested case procedures of the Montana Administrative Procedure Act. As a part of the review, the department may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer in support of the taxpayer's opinion as to the market value of the property. The department shall give reasonable notice to the taxpayer of the time and place of the review. After the review, the department shall determine the correct appraisal and classification of the land or improvements and notify the taxpayer of its determination. In the notification, the department shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a review as provided in subsection (3) is held or not, the department may not adjust an appraisal or classification upon the taxpayer's objection unless:

- (a) the taxpayer has submitted an objection in writing; and
- (b) the department has stated its reason in writing for making the adjustment.

(5) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. The department shall make the records available for inspection during regular office hours.

(6) If any property owner feels aggrieved by the classification or appraisal made by the department after the review provided for in subsection (3), the property owner has the right to first appeal to the county tax appeal board and

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then to the state tax appeal board, whose findings are final subject to the right of review in the courts. The appeal to the county tax appeal board must be filed within 30 days after notice of the department's determination is mailed to the taxpayer. A county tax appeal board or the state tax appeal board may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the state tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order."

**Insert: "Section 74.** Section 15-7-111, MCA, is amended to read:

**"15-7-111. Periodic revaluation of certain taxable property.** (1) The department shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. All other property must be revalued annually. ~~The revaluation of class three, four, and ten property is complete on December 31, 1996. The amount of the change in valuation from the 1996 base year for each property in classes three, four, and ten must be phased in each year at the rate of 25% of the change in valuation from December 31, 1998, to the appropriate percentage of taxable market value for each class.~~

(2) The department shall value ~~and phase in the value of~~ newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class ~~and the values established pursuant to subsection (1).~~ The department shall adopt rules for determining the assessed valuation ~~and phased-in value of~~ new, remodeled, or reclassified property within the same class.

(3) ~~Beginning January 1, 2001, the~~ The department of revenue shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all class three, four, and ten property in each county is revalued by January 1, 2003, and each succeeding 6 years. The resulting valuation changes ~~must be phased in are in effect~~ for each year until the next reappraisal. ~~If a percentage of change for each year is not established, then the percentage of phase in for each year is 16.66%. The department shall furnish a copy of the plan and all amendments to the plan to the board of county commissioners of each county."~~

**Insert: "Section 75.** Section 15-8-111, MCA, is amended to read:

**"15-8-111. Assessment -- market value standard -- exceptions.** (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses construction cost as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) If the department uses the capitalization of net income method as one approximation of market value and sufficient, relevant information on comparable sales and construction cost exists, the department shall rely upon the two methods that provide a similar market value as the better indicators of market value.

(d) Except as provided in subsection (3), the market value of special mobile equipment and agricultural tools, implements, and machinery is the average wholesale value shown in national appraisal guides and manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

(a) the wholesale value for agricultural implements and machinery is the average wholesale value category as shown in Guides 2000, Northwest Region Official Guide, published by the North American equipment dealers association, St. Louis, Missouri. If the guide or the average wholesale value category is unavailable, the department shall use a comparable publication or wholesale value category.

(b) for agricultural implements and machinery not listed in an official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide; and

(c) as otherwise authorized in Titles 15 and 61.

(4) For purposes of taxation, assessed value is the same as appraised value.

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(5) The taxable value for all property is the percentage of market or assessed value established for each class of property.

(6) The assessed value of properties in 15-6-131 through 15-6-134, 15-6-143, and 15-6-145 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity value of the lands when valued for agricultural purposes minus any portion of the productive capacity value that is exempt from taxation under 15-6-201(1)(cc). All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-134, under class four, are assessed at the applicable percentage of market value minus any portion of market value that is exempt from taxation under 15-6-201(1)(z), ~~and~~ (1)(aa), and (1)(bb).

(e) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land when valued as forest land.

(f) Railroad transportation properties in 15-6-145 are assessed based on the valuation formula described in 15-23-205.

(7) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town.

(8) For the purpose of determining the debt limits of local government taxing jurisdictions, except for K-12 public schools:

(a) the assessed value of class four property must include the amount determined under [section 67]; and

(b) the productive capacity value of agricultural lands must include the amount determined under [section 67]."

**Renumber:** subsequent sections

10. Page 42, line 7.

**Following:** "(1)(a),"

**Insert:** "the amount of property"

**Strike:** "imposed"

**Insert:** "actually assessed:"

(a) includes the amount of reimbursement received under [section 67]; and

(b)

**Strike:** "do"

**Insert:** "does"

11. Page 42, line 26 through page 44, line 1.

**Strike:** section 69 in its entirety

**Renumber:** subsequent sections

12. Page 63.

**Following:** line 2

**Insert:** "**Section 84.** Section 15-30-171, MCA, is amended to read:

**"15-30-171. Residential property tax credit for elderly -- definitions.** As used in 15-30-171 through 15-30-179, the following definitions apply:

(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(2) "Claimant" means a person who is eligible to file a claim under 15-30-172.

(3) "Department" means the department of revenue.

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(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.

(b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means the amount obtained by subtracting \$6,300 from gross household income.

(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;

(ii) the amount of capital gains excluded from adjusted gross income;

(iii) alimony;

(iv) support money;

(v) nontaxable strike benefits;

(vi) cash public assistance and relief;

(vii) interest on federal, state, county, and municipal bonds; and

(viii) all payments received under federal social security except social security income paid directly to a nursing home.

(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.

(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.

(11) "Rent-equivalent tax paid" means ~~15%~~ 30% of the gross rent.""

**Renumber:** subsequent sections

13. Page 67.

**Following:** line 6

**Insert:** "Section 88. Section 15-32-405, MCA, is amended to read:

**"15-32-405. Exclusion from other tax incentives.** If a credit is claimed for an investment pursuant to this part, no other state energy or investment tax credit, including but not limited to the tax credits allowed by 15-30-162 and 15-31-123 through 15-31-125, may be claimed for the investment. ~~Property~~ The property tax reduction exemption allowed by 15-6-201(3)(4) may not be applied to a facility for which a credit is claimed pursuant to this part.""

**Renumber:** subsequent sections

14. Page 68, line 10 through page 69, line 28.

**Strike:** section 81 in its entirety

**Renumber:** subsequent sections

15. Page 70, line 10.

**Following:** "15-1-121;"

**Insert:** "[section 67];"



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16. Page 70, line 12.

**Strike:** "[~~section 61~~ 62];"

17. Page 70, line 30 through page 95, line 23.

**Strike:** section 83 through section 103 in their entirety

18. Page 98, line 10.

**Strike:** "sales tax" through "]"

**Insert:** "general fund"

19. Page 100, line 4.

**Strike:** "sales tax" through "]"

**Insert:** "general fund"

20. Page 101, line 13.

**Strike:** "sales tax" through "]"

**Insert:** "general fund"

21. Page 103, line 12.

**Strike:** "sales tax" through "]"

**Insert:** "general fund"

22. Page 104, line 28.

**Strike:** "sales tax" through "]"

**Insert:** "general fund"

23. Page 105, line 12.

**Strike:** section 110 in its entirety

**Renumber:** subsequent sections

24. Page 105, line 18.

**Strike:** "110"

**Insert:** "96"

25. Page 105, line 22.

**Strike:** "110"

**Insert:** "96"

26. Page 105, line 28.

**Strike:** "61"

**Insert:** "62"

27. Page 105, line 29.

**Strike:** "61"

**Insert:** "62"

28. Page 105, line 30 through page 106, line 1.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

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29. Page 106, line 2.

**Strike:** "and"

**Strike:** "64"

**Insert:** "through 66"

30. Page 106, line 3.

**Strike:** "and"

**Strike:** "64"

**Insert:** "through 66"

31. Page 106, line 4 through line 5.

**Strike:** subsection (4) in its entirety

**Insert:** "(3) [Section 67] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 67]."

32. Page 106, line 17.

**Strike:** "110"

**Insert:** "96"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: Wilson.

Total 1

Absent or not voting: Jent.

Total 1

Representative Shockley moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Cohenour, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 73

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Noes: Branae, P. Clark, Dickenson, Dowell, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Kaufmann, Lindeen, McKenney, Newman, Raser, Small-Eastman, Steinbeisser, Wanzenried, Weiss.

Total 20

Excused: Wilson.

Total 1

Absent or not voting: Becker, Buzzas, E. Clark, Franklin, Schrumpf, Mr. Speaker.

Total 6

Motion that **HB 749**, as amended, do pass **failed** as follows:

Ayes: Andersen, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Hurwitz, Jackson, Lake, Lambert, Lehman, Lenhart, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Noes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, Maedje, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.

Total 60

Voted Absentee: Wilson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 22** - Representative Peterson moved **SB 22** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Voted Absentee: Wilson, Aye.

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Excused: None.  
Total 0

Absent or not voting: Callahan.  
Total 1

**SB 34** - Representative Brueggeman moved **SB 34** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Becker, Bixby, Bookout-Reinicke, Jayne, Lindeen, Malcolm, Rice, Sales, Small-Eastman, Weiss, Windy Boy.  
Total 12

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 76** - Representative Branae moved **SB 76** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Jayne, Kasten, Sales.  
Total 4

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 101** - Representative Keane moved **SB 101** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 90

Noes: Balyeat, Buzzas, Gallik, Jacobson, Kaufmann, Pattison, Sales, Sinrud, Small-Eastman.  
Total 9

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 115** - Representative Mendenhall moved **SB 115** be concurred in.

Representative Mendenhall moved **SB 115**, second reading copy, be amended as follows:

1. Page 4, line 8.  
**Strike:** "SUBSECTIONS (7)(B) AND (7)(C)"  
**Insert:** "subsection (7)(b)"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Bergren, Franklin, Gallik, Lewis, Sales.  
Total 6

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Excused: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **SB 115**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Bixby, E. Clark, Fisher, Fuchs, Gallik, Kasten, Lewis, Pattison, Ryan, Sales, Shockley.  
Total 12

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**SB 133** - Representative Shockley moved **SB 133** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Ballantyne, P. Clark, Cyr, Gallik, Gutsche, Harris, Hurwitz, Kaufmann, Keane, Lawson, Malcolm, Mendenhall, Newman, Noennig, Raser, Sales.  
Total 16

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 145** - Representative Younkin moved **SB 145** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Roberts, Rome, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Younkin.  
Total 67

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hurwitz, Jent, Kasten, Lambert, Lange, Lawson, Lehman, A. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Windy Boy, Witt, Mr. Speaker.  
Total 33

Voted Absentee: Wilson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Ballantyne, Buzzas, Gillan, Golie, Jacobson, Lake, Lindeen, Mendenhall, Rome, Ryan, Sinrud, Weiss.  
Total 12

Excused: Wilson.  
Total 1

Absent or not voting: Bixby, E. Clark, Franklin.  
Total 3

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 213**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**HB 124** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Andersen, Balyeat, Dickenson, Fuchs, Gillan, Golie, Jackson, Jayne, Kasten, Ryan, Sales, Sinrud, Smith.

Total 13

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**HB 713** passed as follows:



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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 75

Noes: Bixby, D. Brown, Buzzas, Carney, P. Clark, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Juneau, Kaufmann, Lawson, Maedje, Musgrove, Parker, Ryan, Small-Eastman, Wanzenried, Weiss, Windy Boy.  
Total 23

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 13** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Barrett, Fisher, Jayne, Rice.  
Total 4

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 57** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 98

Noes: None.

Total 0

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 66** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: D. Brown, Malcolm.

Total 2

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 80** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas.

Total 1

Excused: Wilson.

Total 1

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Absent or not voting: Forrester.  
Total 1

**SB 85** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 97** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Sales, Weiss.  
Total 3

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 126** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 149** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Small-Eastman, Smith, Weiss, Windy Boy.

Total 4

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 159** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

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Noes: Barrett, Maedje, Morgan, Sales, Sinrud.  
Total 5

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 162** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SB 180** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Wilson.  
Total 1

Absent or not voting: Forrester.

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Total 1

**SB 188** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Lake, Sales, Sinrud.

Total 4

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 211** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Erickson, Franklin, Gallus, Gutsche, Harris, Kaufmann, Roberts, Weiss.

Total 8

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 413** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake,

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Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Younkin, Mr. Speaker.  
Total 75

Noes: Balyeat, Bixby, R. Brown, Buzzas, Devlin, Erickson, Fuchs, Gallus, Gutsche, Harris, Jayne, Juneau, Kaufmann, Lewis, Mendenhall, Ripley, Rome, Sales, Sinrud, Small-Eastman, Wanzenried, Windy Boy, Witt.  
Total 23

Excused: Wilson.

Total 1

Absent or not voting: Forrester.

Total 1

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Fuchs, Chairman):

3/31/2003

**HB 714**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "LESS"

**Insert:** "WITH"

2. Title, page 1, line 7.

**Following:** "REDUCING"

**Insert:** "THE ALTERNATIVE"

3. Title, page 1, line 8.

**Strike:** "MAILING"

**Insert:** "TRANSMITTING"

4. Page 1, line 17.

**Strike:** "an individual, estate, or trust"

**Insert:** "a Montana resident"

5. Page 1, line 20.

**Following:** "(3)"

**Insert:** "(a)"

**Strike:** "An"

**Insert:** "Except as provided in subsections (3)(b) and (3)(c), an"

6. Page 1, line 21.

**Following:** "years."

**Insert:** "(b) Subsection (3)(a) does not apply to a Montana resident who subsequently becomes a part-year resident or nonresident of the state unless the taxpayer again becomes a resident of the state.

(c) A taxpayer who elects to be taxed under the provisions of [sections 1 through 3] who makes a federal income tax return jointly with a taxpayer who was not required to make the election jointly with the taxpayer, as provided in subsection (2), and who has not elected to be taxed under the provisions of [sections 1 through 3] shall determine federal

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taxable income and adjusted federal taxable income as if a married individual who does not make a joint return."

7. Page 1, line 26.

**Strike:** "an individual"

**Insert:** "a Montana resident"

8. Page 1, line 29.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(3)"

**Insert:** "through (5)"

**Following:** "credits"

**Insert:** ", except for the credit allowed under 15-30-124,"

9. Page 2, line 2.

**Strike:** "2003"

**Insert:** "2005"

10. Page 2, line 3.

**Strike:** "(5)"

**Insert:** "(7)"

11. Page 2, line 4.

**Strike:** "(4)"

**Insert:** "(6)"

12. Page 2, line 6.

**Strike:** "\$6,000"

**Insert:** "\$4,000"

**Strike:** "5.33% "

**Insert:** "7% "

13. Page 2, line 7.

**Strike:** "\$35,000"

**Insert:** "\$6,000"

**Strike:** "6.67% "

**Insert:** "8% "

14. Page 2, line 8.

**Strike:** "\$84,000"

**Insert:** "\$10,000"

**Strike:** "8% "

**Insert:** "9% "

15. Page 2, line 9.

**Strike:** "\$125,000"

**Insert:** "\$20,000"

**Strike:** "8.9% "



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**Insert:** "9.6% "

16. Page 2, line 11.

**Strike:** "\$4,800"

**Insert:** "\$3,200"

**Strike:** "5.33% "

**Insert:** "7% "

17. Page 2, line 12.

**Strike:** "\$28,000"

**Insert:** "\$4,800"

**Insert:** "6.67% "

**Insert:** "8% "

18. Page 2, line 13.

**Strike:** "\$67,200"

**Insert:** "\$8,000"

**Strike:** "8% "

**Insert:** "9% "

19. Page 2, line 14.

**Strike:** "\$100,000"

**Insert:** "\$16,000"

**Strike:** "8.9% "

**Insert:** "9.6% "

20. Page 2, line 16.

**Following:** "individual"

**Insert:** "and for each married individual who does not make a joint return"

21. Page 2, line 17.

**Strike:** "\$3,000"

**Insert:** "\$2,000"

**Strike:** "5.33% "

**Insert:** "7% "

22. Page 2, line 18.

**Strike:** "\$17,500"

**Insert:** "\$3,000"

**Strike:** "6.67% "

**Insert:** "8% "

23. Page 2, line 19.

**Strike:** "\$42,000"

**Insert:** "\$5,000"

**Strike:** "8% "

**Insert:** "9% "

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24. Page 2, line 20.

**Strike:** "\$62,500"

**Insert:** "\$10,000"

**Strike:** "8.9%;"

**Insert:** "9.6%."

25. Page 2, line 21 through line 26.

**Strike:** subsection (d) in its entirety

26. Page 3, line 2.

**Following:** "income."

**Insert:** "For purposes of this section, "tribal-source income" means income derived:

(i) from sources within the exterior boundaries of an Indian reservation or lands restored to tribal ownership pursuant to federal law, by an enrolled tribal member of that tribe who resides on that reservation or restored lands; or

(ii) directly from allotted or restricted lands held in trust by the United States for the benefit of a tribe or the tribal member."

27. Page 3.

**Following:** line 2

**Insert:** "(4) To the extent that it is not exempt from taxation by Montana under federal law, interest from obligations of a territory or another state or any political subdivision of a territory or another state and exempt-interest dividends attributable to that interest are added to federal taxable income except to the extent that interest described in this subsection is already included in federal taxable income.

(5) If a taxpayer received a refund of federal income tax the deduction of which in the tax year immediately preceding the tax year in which the taxpayer makes an election under [sections 1 through 3] resulted in a reduction of Montana income tax liability, the refund is, to the extent that the deduction resulted in a reduction of Montana income tax liability, a positive adjustment to the taxpayer's federal taxable income for the tax year in which the election is made."

**Renumber:** subsequent subsections

28. Page 3, line 4.

**Strike:** "(4)"

**Insert:** "(6)"

29. Page 3, line 5.

**Strike:** "2006"

**Insert:** "2007"

30. Page 3, line 14.

**Strike:** "(4)(b)"

**Insert:** "(6)(b)"

31. Page 3, line 15.

**Strike:** "(4)(d)"

**Insert:** "(6)(d)"

32. Page 3, line 17.

**Strike:** "(4)(b)"

**Insert:** "(6)(b)"

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33. Page 3, line 20.

**Strike:** "\$50" in both places

**Insert:** "\$90" in both places

34. Page 3, line 21.

**Following:** "(2)."

**Insert:** "For the purposes of this subsection, a return filed using the filing status married filing jointly is considered to have been filed by one taxpayer."

35. Page 3, line 24.

**Strike:** "mail"

**Insert:** "transmit"

**Strike:** "taxpayer's"

**Strike:** "form"

**Insert:** "return that the taxpayer filed with the internal revenue service"

36. Page 3, line 25.

**Strike:** "The"

**Insert:** "A"

**Following:** "taxpayer"

**Insert:** "who has filed an election with the department as provided in [section 1]"

37. Page 3, line 28.

**Following:** "taxpayer."

**Insert:** "If the taxpayer chooses to have the department determine the tax due, the taxpayer shall report to the department, on a form provided by the department, any adjustments to income specified in [section 2(3) through (5)] and taxes paid to another state or country that may be allowed as a credit under 15-30-124."

38. Page 3, line 29.

**Strike:** "attach"

**Insert:** "remit"

39. Page 3, line 30.

**Following:** "due"

**Strike:** "to"

**Insert:** "with"

**Strike:** "mails"

**Insert:** "transmits"

40. Page 4, line 1.

**Following:** "(3)"

**Insert:** "(a)"

**Strike:** "If the"

**Insert:** "A"

**Following:** "taxpayer"

**Insert:** "who"

**Strike:** "and"

**Insert:** "under this chapter may provide a credit card authorization to"

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41. Page 4, line 1 through line 3.

**Strike:** "bills" on line 1 through "chapter" on line 3

**Insert:** "for billing the taxpayer for the tax due as shown by the return"

42. Page 4.

**Following:** line 3

**Insert:** "(b) Except as provided in 15-30-145 and subsections (3)(c) and (3)(d) of this section, if the department determines the amount of tax to be billed under this subsection (3) after the due date of a federal return filed by the due date under this chapter, the taxpayer is subject to the uniform interest assessment under 15-1-216(2), but not to the uniform penalty assessment. However, if the department determines the amount of the tax to be billed more than 10 working days after the due date of the return, the taxpayer is not subject to the uniform interest or penalty assessment under 15-1-216.

(c) Except as provided in 15-30-145 and subsection (3)(d) of this section, a taxpayer who chooses to have the department determine the tax due and who files the federal tax return at least 10 working days before the due date of the return under this chapter is not subject to the provisions of 15-1-216 or subsection (3)(b) of this section.

(d) If the tax determined by the department under this subsection (3) is not paid within 60 days after notice of the amount of tax due, then interest and penalty must be added to the amount due as provided in 15-1-216 from the due date of the return."

43. Page 4, line 9.

**Strike:** "2004"

**Insert:** "2006"

44. Page 4, line 12.

**Strike:** "2003"

**Insert:** "2005"

And, as amended, do pass. Report adopted.

**HB 767**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HJR 38**, be adopted. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 773**, introduced by Lake (by request of the Senate Finance Standing Committee), referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 40**, introduced by Younkin, Gallus, referred to Natural Resources.

**MOTIONS**

Representative Newman moved **HB 355** be taken from the table in the Committee on Taxation and be placed on second reading Legislative Day 69. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris,

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Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 42

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: Wilson.

Total 1

Absent or not voting: Forrester, Sinrud.

Total 2

Representative Wagman moved to **suspend the rules** for the late drafting, introduction, and transmittal of a bill. Motion (requiring 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Fritz, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 47

Excused: Wilson.

Total 1

Absent or not voting: Bixby, Forrester, Juneau.

Total 3

Representative Fuchs moved **HB 749** be taken from the Committee of the Whole and be rereferred to the Committee on Taxation. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 65

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Noes: Ballantyne, Becker, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Keane, Lindeen, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Windy Boy.  
Total 31

Excused: Wilson.  
Total 1

Absent or not voting: Bixby, Forrester, Juneau.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Tuesday, April 1, 2003. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 1, 2003

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative A. Olson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Noennig, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/1/2003

Correctly printed: **HB 767, HJR 38, SB 135, SB 217, SB 243, SB 360, SB 414, SJR 14.**

Correctly engrossed: **HB 714, SB 37, SB 86, SB 130, SB 263, SB 282, SB 295, SB 304, SB 326, SB 400, SB 447, SJR 17.**

Correctly enrolled: **HB 196, HB 323, HB 340, HB 354, HB 458, HB 467, HB 549, HB 554.**

Examined by the sponsor and found to be correct: **HB 196, HB 323, HB 340, HB 354, HB 467, HB 458, HB 549, HB 554.**

Signed by the Speaker at 11:55 a.m., April 1, 2003: **HB 196, HB 323, HB 340, HB 354, HB 458, HB 467, HB 549, HB 554.**

Delivered to the Governor for approval at 9:00 a.m., April 1, 2003: **HB 272, HB 285, HB 333, HB 350, HB 414, HB 428, HB 548, HB 557, HB 583, HB 585, HB 639, HB 700.**

Delivered to the Governor for approval at 12:20 p.m., April 1, 2003: **HB 467.**

**APPROPRIATIONS** (Lewis, Chairman): 3/31/2003

**SB 35**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 3/31/2003

**SB 337**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 4/1/2003

**SB 95**, be amended as follows:

1. Title, line 6.

**Following:** "CHILD"

**Insert:** "SOLELY"

2. Title, line 10 through line 11.

**Following:** "HEARING;"

**Strike:** remainder of line 10 through "AGREEMENTS;" on line 11

3. Title, line 13.

**Strike:** "THE DEPARTMENT CONSENTS AND INFORMS"

4. Title, line 14.

**Following:** "COURT"

**Strike:** "OF"

**Insert:** "FINDS AFTER A HEARING THAT THE EXPENDITURE IS REASONABLE AND RESOURCES ARE"

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**Following:** "AVAILABLE"  
**Strike:** "RESOURCES"

5. Title, line 15 and line 16.  
**Strike:** "DEPARTMENT" on line 15 through "INCLUDING" on line 16

6. Title, line 26.  
**Strike:** "41-3-423,"

7. Page 3, line 23.  
**Following:** "department"  
**Insert:** "solely"

8. Page 6, line 12.  
**Following:** "supervision"  
**Insert:** "solely"

9. Page 12, line 12.  
**Strike:** "informal parental agreements or other"

10. Page 12, line 13.  
**Following:** "agency"  
**Insert:** "for the care of the child"  
**Following:** "made"  
**Strike:** remainder of line 13  
**Insert:** "by the parents."

11. Page 14, line 2.  
**Following:** "(6)"  
**Insert:** "(a)"

12. Page 14, line 7.  
**Following:** line 6  
**Insert:** "(b) Copies of all other petitions must be served by certified mail. If service is by certified mail, the department must receive a return receipt signed by the person to whom the notice was mailed for the service to be effective. Service of the notice is considered to be effective if, in the absence of a return receipt, the person to whom the notice was mailed appears at the hearing."

13. Page 16, line 2 through page 17, line 22.  
**Strike:** section 8 in its entirety  
**Renumber:** subsequent sections

14. Page 18, line 29.  
**Following:** "unless"  
**Strike:** the second "the department"

15. Page 18, line 30.  
**Strike:** "consents and informs"  
**Following:** "the court"



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**Insert:** "finds after notice and a hearing that the expenditure is reasonable and"

16. Page 21, line 2 through line 3.

**Strike:** "department and the" on line 2

**Strike:** "a parent or parents," on line 2 through "custody" on line 3

**Insert:** "the parties"

17. Page 21, line 27.

**Strike:** "AT THE DISCRETION OF THE PRESIDING JUDGE"

**Insert:** "according to the Montana Rules of Evidence"

18. Page 23, line 1 through line 2.

**Following:** "unless"

**Strike:** remainder of line 1 through "informs" on line 2

**Following:** "the court" on line 2

**Insert:** "finds after notice and a hearing that the expenditure is reasonable and"

19. Page 25, line 24 through line 25.

**Following:** "department"

**Strike:** remainder of line 24 through "care" on line 25

**Insert:** "allows the department to place a child in care provided by a custodial or noncustodial parent, kinship foster home, youth foster home, youth group home, youth shelter care facility, or institution"

20. Page 25, line 28.

**Following:** "months,"

**Insert:** ", not to exceed 6 months,"

21. Page 26, line 26.

**Following:** "shall"

**Insert:** "conduct a hearing and"

22. Page 27, line 17.

**Following:** "unless"

**Strike:** "the department"

23. Page 27, line 18.

**Strike:** "consents and informs"

**Following:** "the court"

**Insert:** "finds after notice and a hearing that the expenditures are reasonable and"

And, as amended, be concurred in. Report adopted.

**SB 111**, be amended as follows:

1. Title, line 8.

**Following:** "LEVEL;"

**Insert:** "DEFINING ELIGIBILITY IN TERMS OF FEDERAL TRADE ADJUSTMENT ASSISTANCE;"

**Strike:** "AND"

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**Insert:** ", "

2. Title, line 9.

**Following:** "33-22-1502,"

**Insert:** "33-22-1513, 33-22-1516, AND 33-22-1524,"

3. Page 1, line 26.

**Following:** "(7)"

**Insert:** "(a)"

4. Page 1, line 27.

**Strike:** "(a)"

**Insert:** "(i)"

5. Page 1, line 28.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 1, line 29.

**Strike:** "(i)"

**Insert:** "(A)"

7. Page 1, line 30.

**Strike:** "(ii)"

**Insert:** "(B)"

8. Page 2, line 4.

**Strike:** "(c)"

**Insert:** "(iii)"

9. Page 2, line 5.

**Strike:** "(i)"

**Insert:** "(A)"

10. Page 2, line 8.

**Strike:** "(ii)"

**Insert:** "(B)"

11. Page 2, line 12.

**Following:** line 11

**Insert:** "(b) The term does not apply to an individual who is certified as eligible for federal trade adjustment assistance or for pension benefit guarantee corporation assistance, as provided by the federal Trade Adjustment Assistance Reform Act of 2002, and is eligible for the association portability plan."

12. Page 3, line 16.

**Following:** line 15

**Insert:** "(15) \"Qualified TAA-eligible individual\" means an individual and any dependent of that individual, in addition to meeting the requirements specified in subsection (17):

(a) who has 3 months of prior creditable coverage;

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(b) whose application for association portability plan coverage is made within 63 days following termination of the applicant's most recent prior creditable coverage; and

(c) who, if eligible for COBRA, is not required to elect or exhaust continuation coverage under the COBRA continuation provision or under a similar state program."

**Renumber:** subsequent subsection

13. Page 3, line 18.

**Following:** line 17

**Insert:** "(17) "TAA-eligible individual" means an individual and any dependent of that individual enrolling in the association portability plan:

(a) who is a resident of this state on the date of application to the pool;

(b) who has been certified as eligible for federal trade adjustment assistance and a health insurance tax credit or for pension benefit guarantee corporation assistance, as provided by the federal Trade Adjustment Assistance Reform Act of 2002;

(c) who does not have other health insurance coverage; and

(d) who is not covered under a group health plan maintained by an employer, including a group health plan available through a spouse, if the employer contributes 50% or more to the total cost of coverage."

14. Page 3, line 23.

**Strike:** "(b)(ii)"

**Insert:** "(a)(ii)(B)"

15. Page 4, line 2.

**Insert:** "Section 3. Section 33-22-1513, MCA, is amended to read:

**"33-22-1513. Operation of association plan and association portability plans.** (1) Upon acceptance by the lead carrier under 33-22-1516, an eligible person may enroll in the association plan by payment of the association plan premium to the lead carrier.

(2) Upon application by a federally defined eligible individual or a TAA-eligible individual to the lead carrier for an association portability plan, the association may not:

(a) decline to offer an association portability plan; or

(b) except as provided in subsection (3), impose a preexisting condition exclusion with respect to an individual's association portability plan coverage if application for association portability plan coverage is made within 63 days following termination of the applicant's most recent prior creditable coverage.

(3) The association may impose a preexisting condition exclusion as provided in 33-22-1516 with respect to a TAA-eligible individual's association portability plan coverage if that individual does not meet the requirements defining a qualified TAA-eligible individual.

~~(3)~~(4) Not less than 88% of the association plan premiums paid to the lead carrier may be used to pay claims and not more than 12% may be used for payment of the lead carrier's direct and indirect expenses as specified in 33-22-1514.

~~(4)~~(5) Any income in excess of the costs incurred by the association in providing reinsurance or administrative services must be held at interest and used by the association to offset past and future losses because of claims expenses of the association plan and the association portability plan or be allocated to reduce association plan premiums.

~~(5)~~(6) (a) Each participating member of the association shall share the losses because of claims expenses of the association plan and the association portability plan for plans issued or approved for issuance by the association and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs in the following manner:

(i) Each participating member of the association must be assessed by the association on an annual basis an amount not to exceed 1% of the association member's total disability insurance premium received from or on behalf of Montana residents as determined by the commissioner. Assessments made under this subsection ~~(5)(a)~~ (6)(a) or funds

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from any other source must be allocated to the association plan and the association portability plan in proportion to the needs of the two plans. If the needs of the association plan and the association portability plan exceed the funds generated by the 1% assessment, the association is then authorized to spend any funds appropriated by the legislature for the support of the plans. Any appropriation to the association may be expended for the operation of the association plan or the association portability plan.

(ii) (A) Payment of an assessment is due within 30 days of receipt by a member of a written notice of the annual assessment. After 30 days, the association shall charge a member:

(I) a late payment penalty of 1.5% a month or fraction of a month on the unpaid assessment, not to exceed 18% of the assessment due;

(II) interest at the rate of 12% a year on the unpaid assessment, to be accrued at 1% a month or fraction of a month; or

(III) both of the charges in subsections ~~(5)(a)(ii)(A)(I)~~ (6)(a)(ii)(A)(I) and ~~(5)(a)(ii)(A)(II)~~ (6)(a)(ii)(A)(II).

(B) Failure by a contributing member to tender the association assessment within the 30-day period is grounds for termination of membership. A member terminated for failure to tender the association assessment is ineligible to write health care benefit policies or contracts in this state under 33-22-1503(2).

(iii) An associate member that ceases to do disability insurance business within the state remains liable for assessments through the calendar year in which the member ceased doing disability insurance business. The association may decline to levy an assessment against an association member if the assessment, as determined pursuant to this section, would not exceed \$50.

(b) For purposes of this subsection ~~(5)~~ (6), "total disability insurance premium" does not include premiums received from disability income insurance, credit disability insurance, disability waiver insurance, life insurance, medicare risk or other similar medicare health maintenance organization payments, or medicaid health maintenance organization payments.

(c) Any income in excess of the incurred or estimated claims expenses of the association plan and the association portability plan and the operating and administrative expenses of the association must be held at interest and used by the association to offset past and future losses because of claims expenses of the association plan and the association portability plan or be allocated to reduce association plan premiums.

~~(6)(7)~~ The proportion of the annual assessment allocated to the operation and expenses of the association plan, not to include any amount of late payment penalty or interest charged, may be offset by an association member against the premium tax payable by that association member pursuant to 33-2-705 for the year in which the annual assessment is levied. The commissioner shall report to the office of budget and program planning, as a part of the information required by 17-7-111, the total amount of premium tax offset claimed by association members during the preceding biennium. The proportion of the annual assessment allocated to the operation and expenses of the association portability plan and levied against an association member may not be offset against the premium tax payable by that association member."

**Insert: "Section 4.** Section 33-22-1516, MCA, is amended to read:

**"33-22-1516. Enrollment by eligible person.** (1) The association plan must be open for enrollment by eligible persons. An eligible person may enroll in the plan by submission of a certificate of eligibility to the lead carrier. The certificate must provide:

- (a) the name, address, and age of the applicant and length of the applicant's residence in this state;
- (b) the name, address, and age of spouse and children, if any, if they are to be insured;
- (c) written evidence that the person fulfills all of the elements of an eligible person, as defined in 33-22-1501;

and

- (d) a designation of coverage desired.

(2) Within 30 days of receipt of the certificate, the lead carrier shall either reject the application for failing to comply with the requirements of subsection (1) or forward the eligible person a notice of acceptance and billing information. Insurance is effective on the first of the month following acceptance.

(3) An eligible person may not purchase more than one policy from the association plan.

(4) A person who obtains coverage under the association plan may not be covered for any preexisting condition

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during the first 12 months of coverage under the association plan if the person was diagnosed or treated for that condition during the 3 years immediately preceding the filing of an application. The association may not apply a preexisting condition exclusion to coverage under the association portability plan if application for association portability plan coverage is made by a federally defined eligible individual or a qualified TAA-eligible individual within 63 days following termination of the applicant's most recent prior creditable coverage. The association shall waive any time period applicable to a preexisting condition exclusion for the period of time that any other eligible individual, including an individual who is eligible pursuant to 33-22-1501(7)(a)(ii)(B), was covered under the following types of coverage if the coverage was continuous to a date not more than 30 days prior to submission of an application for coverage under the association plan:

(a) an individual health insurance policy that includes coverage by an insurance company, a fraternal benefit society, a health service corporation, or a health maintenance organization that provides benefits similar to or exceeding the benefits provided by the association plan; or

(b) an employer-based health insurance benefit arrangement that provides benefits similar to or exceeding the benefits provided by the association plan."

**Insert:** "Section 5. Section 33-22-1524, MCA, is amended to read:

**"33-22-1524. Association authority for borrowing.** (1) If the amount of the annual assessment collected under 33-22-1513~~(5)~~(6) and other available funds is insufficient to meet incurred or estimated claims expenses of the association plan and the association portability plan and the operating and administrative expenses of the association, the association may borrow from the board of investments for a period not to exceed 2 years any funds necessary for the continued operation of the association plan and the association portability plan. The loaned funds may be used only to pay incurred or estimated claims expenses of the association plan and the association portability plan and the operating and administrative expenses of the association.

(2) Whenever the association accepts a loan from the board of investments pursuant to this section, it shall repay the loan and any interest required under the terms of the loan through assessments and premium income. In accordance with the constitutions of the United States and the state of Montana, the state pledges that it may not in any way impair the obligations of any loan agreement between the association and the board of investments by repealing the assessment imposed by 33-22-1513~~(5)~~(6) or by reducing it below the amount necessary to make annual loan payments."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 191**, be concurred in. Report adopted.

**SB 314**, be amended as follows:

1. Title, line 6.

**Strike:** "17"

**Insert:** "18"

2. Page 1, line 16.

**Strike:** "17"

**Insert:** "18"

3. Page 1, line 30.

**Following:** "(1)(b)"

**Insert:** "or (5)"

4. Page 2, line 3.

**Strike:** "ABOVE 150% AND"

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5. Page 2, line 4.

**Following:** "(1)(A)"

**Insert:** "and (1)(c)"

6. Page 2, line 7.

**Following:** line 6

**Insert:** "(c) Monetary settlement proceeds from stipulations, agreed settlements, consent orders, or defaults involving an agency or the state that are in excess of \$543,000 for fiscal year 2003 or \$534,000 for fiscal year 2004 and no more than \$3 million for each fiscal year may be allocated to the program for use as nonstate matching funds for the purposes of subsection (5)(a)."

And, as amended, be concurred in. Report adopted.

**SB 347**, be amended as follows:

1. Title, line 15.

**Following:** "DATES"

**Insert:** "AND A TERMINATION DATE"

2. Page 1, line 19.

**Strike:** "6"

**Insert:** "8"

3. Page 1, line 23.

**Strike:** "3"

**Insert:** "4"

4. Page 1, line 24.

**Strike:** "provision"

**Insert:** "planning, oversight, and administration"

5. Page 1, line 26.

**Insert:** "NEW SECTION. Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Community mental health center" means a licensed mental health center that:

(a) provides comprehensive public mental health services in a multicounty region under contract with the department, counties, or one or more service area authorities;

(b) has been established as of October 1, 2003, by boards of county commissioners of contiguous counties who have appointed membership on the board and includes at-large membership, chosen according to corporate bylaws, that include but are not limited to:

(i) persons with severe and disabling mental illness;

(ii) family members of persons with severe and disabling mental illness;

(iii) parents of children with serious emotional disturbances;

(iv) advocates of mental health services for the elderly;

(v) organizations that provide community support services, such as food, housing, and clothing to persons with severe and disabling mental illnesses.

(2) "Department" means the department of public health and human services as provided for in 2-15-2201.

(3) "Licensed mental health center" means an entity licensed by the department of public health and human services to provide mental health services and has the same meaning as mental health center as defined in 50-5-101.

(4) "Service area" means a region of the state as defined by the department by rule within which mental health

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services are administered.

(5) "Service area authority" means an entity, as provided for in [section 4], that has incorporated to contract with the department for the planning, oversight, and administration of mental health services within a service area."

**Renumber:** subsequent sections

6. Page 2, line 4.

**Strike:** "AND CREDENTIALING"

7. Page 2, line 25.

**Strike:** "3"

**Insert:** "4"

8. Page 3, line 2.

**Strike:** "THE MENTALLY ILL"

**Insert:** "persons with mental illness"

9. Page 3, line 4.

**Following:** "include"

**Insert:** "but is not limited to"

10. Page 3, line 5.

**Strike:** "THE MENTALLY ILL and"

**Insert:** "persons with mental illness,"

11. Page 3, line 6.

**Following:** "ILLNESS"

**Insert:** ", and a mental health services provider"

**Strike:** "staff and support"

**Insert:** "assistance"

12. Page 3, line 10.

**Strike:** "approval"

**Insert:** "review"

13. Page 3, line 13.

**Strike:** "6"

**Insert:** "8"

14. Page 3, line 16.

**Following:** "including" on line 16

**Insert:** ":

- (i) provider contracting;
- (ii) quality and outcome management;
- (iii) service planning;
- (iv) utilization management and review;
- (v) preadmission screening and discharge planning;
- (vi) consumer advocacy and family education and rights protection;
- (vii)"

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15. Page 3, line 17.

**Following:** "infrastructure"

**Strike:** ", "

**Insert:** ";  
(viii)"

**Following:** "information system requirements"

**Strike:** ", "

**Insert:** ";

**Following:** "and"

**Insert:** "(ix)"

16. Page 3, line 18 through line 19.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

17. Page 3, line 23.

**Strike:** "provide and"

**Following:** "services"

**Insert:** "for children and adults"

18. Page 3, line 24.

**Following:** "within the service area"

**Insert:** ", including proposals within existing allocations and specifically outlining any new funding proposals,"

19. Page 3, line 25.

**Strike:** "must"

**Insert:** "may"

20. Page 3, line 28.

**Strike:** "6"

**Insert:** "8"

21. Page 3, line 29 through line 30.

**Strike:** subsection (g) in its entirety

**Renumber:** subsequent subsections

22. Page 4, line 5 through line 11.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsections

23. Page 4, line 12.

**Following:** "plan"

**Insert:** "and budget proposal provided for in subsection (5)(d)"

24. Page 4, line 13.

**Following:** "(5)"

**Insert:** "(a)"



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25. Page 4, line 14.

**Following:** "that"

**Strike:** "service"

**Insert:** "duty and may provide for a gradual assumption of the duties by a service area authority within the department's 4-year transition plan"

26. Page 4, line 17.

**Strike:** "center"

**Insert:** "services"

27. Page 4, line 29.

**Following:** line 28

**Insert:** "(4) The department shall make efforts to promote the rights of persons with mental illness who are eligible for services to have a choice among qualified providers of mental health services or support services that are administered or funded by the department or contracted with a service area authority by the department."

**Renumber:** subsequent subsection

28. Page 4, line 30.

**Following:** "UNDER"

**Strike:** "GUIDELINES ADOPTED BY THE DEPARTMENT OF ADMINISTRATION"

**Insert:** "the Montana Procurement Act"

**Strike:** "18-4-133."

**Insert:** "18-4-304,"

29. Page 5, line 1.

**Following:** "FOR"

**Strike:** "ALL" through "CENTERS"

**Insert:** "any service administered or funded by the department that will limit a client's choice of a provider of that service in order"

30. Page 5, line 2.

**Following:** "STATE."

**Insert:** "Except for the purposes of this section and the department's ability to contract solely with service area authorities, the exception for human services as provided in 18-4-123(18) does not apply."

31. Page 5, line 3.

**Following:** line 2

**Insert:** "NEW SECTION. **Section 6. County commissioners -- community mental health centers -- licensed mental health centers.** (1) The county commissioners in each of the counties in the region or service area that are designated as participating counties pursuant to subsection (4) may appoint, upon request, a person from their respective county to serve as a representative of the county on a community mental health center board or other licensed mental health center board.

(2) A community mental health center board or other licensed mental health center board may establish a recommended proportionate level of financial participation for each of the counties within the region for the provision of mental health services within the limits of financial participation authorized by this section.

(3) Prior to June 10 of each year, the board of a community mental health center or other licensed mental health center may submit an annual budget to the board of county commissioners of each of the counties within their mental health region or service area, specifying each county's recommended proportionate share.

(4) If a board of county commissioners includes in the county budget the county's proportionate share of the

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community mental health center or other licensed mental health center board's budget, the county must be designated as a participating county. Funds for each participating county's proportionate share for the operation of mental health services within the region must be derived from the county's general fund. Subject to 15-10-420, if the general fund is insufficient to meet the approved budget, a levy may be made on the taxable valuation of the county in addition to all other taxes allowed by law to be levied on that property.

(5) Each board of county commissioners, after determining the amount of county general fund money to be used for mental health services, may contract with a community mental health center or another licensed mental health center or provider for mental health services in the county."

**Renumber:** subsequent sections

32. Page 5, line 4.

**Strike:** "6"

**Insert:** "8"

33. Page 5, line 16.

**Following:** "2004."

**Insert:** "The plan must address delivery of mental health services for both the child and adult mental health systems."

34. Page 7, line 9.

**Strike:** "6"

**Insert:** "8"

35. Page 8, line 27.

**Strike:** "6"

**Insert:** "8"

36. Page 9, line 7.

**Following:** line 6

**Insert:** "(o) services of psychologists licensed under Title 37, chapter 17;"

**Renumber:** subsequent subsections

37. Page 9, line 22.

**Strike:** "(3)(p)"

**Insert:** "(3)(q)"

38. Page 13, line 5.

**Strike:** "ARRIVE AT"

**Insert:** "seek"

39. Page 14, line 3.

**Insert:** "NEW SECTION. Section 15. Legislative intent. If the department of public health and human services is unable to obtain the federal medicaid waivers necessary to obtain federal matching funds to administer the medicaid program for mental health services as provided in Title 53, chapter 6, and [sections 1 through 8], then the legislature intends that the department shall identify the sections of [this act] that are contrary to federal law in its transition plan as required under [section 9] and that the department shall present recommendations for an alternative plan and suggested legislation to the 2005 legislature for consideration."

40. Page 14, line 9.

**Strike:** "6"

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**Insert:** "8"

41. Page 14, line 11.

**Strike:** "6"

**Insert:** "8"

42. Page 14, line 16.

**Following:** "(1)"

**Strike:** remainder of line 16 through "ARE" on line 17

**Insert:** "Except as provided in subsection (2), [this act] is"

43. Page 14, line 18.

**Strike:** "[SECTION 13(2)] IS"

**Insert:** "[Sections 2, 6, 10, and 16(2)] are"

44. Page 14, line 19.

**Following:** line 18

**Insert:** "NEW SECTION. Section 20. Termination. [Section 1] terminates June 30, 2005."

And, as amended, be concurred in. Report adopted.

**SB 449**, be concurred in. Report adopted.

**SJR 11**, be concurred in and be placed on the consent calendar. Report adopted.

**SJR 18**, be amended as follows:

1. Page 1, line 22.

**Following:** "persons"

**Insert:** "; and

WHEREAS, tribal governments are interested in seeking similar waivers for family care, federal regulations and the Centers for Medicare and Medicaid Services require three formal consultations with tribal governments regarding any major changes within the existing Medicaid program and related programs, and a tribal government presents a possibility as a partner in a pilot program"

2. Page 1, line 30.

**Following:** "pilot program"

**Insert:** "with a tribal government and a second pilot program"

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**TAXATION** (Fuchs, Chairman):

4/1/2003

**HB 355**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "\$1"

**Insert:** "70 CENTS"

2. Title, page 1, line 6.

**Strike:** "AND" through "FUND"

**Following:** "FUND;"

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**Insert:** "REVISING THE DISTRIBUTION OF THE CIGARETTE TAX;"

3. Title, page 1, line 8.

**Strike:** "50"

**Insert:** "25"

**Following:** "PERCENT;"

**Insert:** "IMPOSING A SEPARATE TAX ON MOIST SNUFF;"

4. Title, line 9.

**Following:** line 8

**Insert:** "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

5. Title, page 1, line 9.

**Following:** "16-11-119,"

**Insert:** "16-11-201,"

6. Page 1, line 17.

**Strike:** "\$1"

**Insert:** "70 cents"

7. Page 2, line 19.

**Strike:** "1.08%"

**Insert:** "1.66%"

8. Page 2, line 21.

**Strike:** "0.72%"

**Insert:** "1.11%"

9. Page 2, line 23.

**Strike:** "0.54%"

**Insert:** "0.83%"

10. Page 2, line 26.

**Following:** "taxes"

**Insert:** "(1)"

11. Page 2, line 28.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

12. Page 2, line 29.

**Strike:** "2.55%"

**Insert:** "4.7%"

13. Page 3, line 1.

**Strike:** "93.8%"

**Insert:** "90.9%"

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14. Page 3, line 3.

**Strike:** "3.65%"

**Insert:** "4.4%"

15. Page 3.

**Following:** line 4

**Insert:** "(2) If money in the state special revenue fund for the operation and maintenance of state veterans' nursing homes exceeds \$695,000 at the end of the fiscal year, the excess must be transferred to the state general fund."

16. Page 3.

**Following:** line 5

**Insert:** "**Section 4.** Section 16-11-201, MCA, is amended to read:

**"16-11-201. Definitions.** As used in this part, the following definitions apply, unless the context requires otherwise:

(1) "Moist snuff" means any finely cut, ground, or powdered tobacco, other than dry snuff, that is intended to be placed in the oral cavity.

(2) "Retailer" means any person other than a wholesaler who is engaged in the business of selling tobacco products to the ultimate consumer.

~~(2)~~(3) "Sale" or "sell" means any transfer of tobacco products for a consideration, exchange, barter, gift, offer for sale, or distribution, in any manner or by any means.

~~(3)~~(4) "Tobacco product" means a substance other than cigarettes that is intended for human consumption and that contains tobacco.

~~(4)~~(5) "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a wholesaler or any other person before any discount or other reduction.

~~(5)~~(6) "Wholesaler" means any person who purchases tobacco products directly from the manufacturer or from any other person who purchases from the manufacturer and who acquires the products for sale to retail dealers.""

**Renumber:** subsequent sections

17. Page 3, line 15.

**Strike:** "50%"

**Insert:** "25%"

18. Page 3, line 16.

**Following:** "price"

**Insert:** ", to the wholesaler,"

**Following:** "tobacco products"

**Strike:** "to the wholesaler"

**Insert:** ", other than moist snuff"

**Following:** "wholesaler."

**Insert:** "The tax on moist snuff is 35 cents an ounce based upon the net weight of the package listed by the manufacturer. For packages of moist snuff that are less than or greater than 1 ounce, the tax must be proportional to the size of the package."

19. Page 3, line 21.

**Strike:** "1.2%"

**Insert:** "2.5%"

20. Page 4, line 5.

**Strike:** "[This act]"

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**Insert:** "If approved by the electorate, this act"

21. Page 4, line 9.

**Insert:** "NEW SECTION. Section 11. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at a special election to be held on June 10, 2003, by printing on the ballot the full title of this act and the following:

- ☐ FOR increasing the cigarette tax and the tax on other tobacco products and imposing a separate tax on moist snuff.
- ☐ AGAINST increasing the cigarette tax and the tax on other tobacco products and imposing a separate tax on moist snuff."

And, as amended, do pass. Report adopted.

**HB 758**, introduced bill, be amended as follows:

1. Title, page 1.

**Following:** line 6

**Insert:** "PROVIDING THAT THE FEE BE DEPOSITED IN THE STATE GENERAL FUND;"

2. Page 2, line 11 through line 12.

**Strike:** "[in]" on line 11 through "[l]" on line 12

**Insert:** "in the state general fund"

3. Page 2, line 17 through line 20.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/31/2003

**SB 462**, introduced by DePratu

**SB 478**, introduced by Story

**SB 480**, introduced by Black

**House bills** concurred in and returned to the House:

3/31/2003

**HB 41**, introduced by Noennig

**HB 160**, introduced by Haines

**HB 287**, introduced by Lindeen

**HB 389**, introduced by Gibson

**HB 417**, introduced by Golie

**HB 467**, introduced by Barrett

**HB 479**, introduced by Gillan

**HB 496**, introduced by Becker

**HB 507**, introduced by Brueggeman

**HB 617**, introduced by Mendenhall

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**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/2003

**HB 67**, introduced by Kaufmann  
**HB 155**, introduced by Jent  
**HB 218**, introduced by Bookout-Reinicke  
**HB 224**, introduced by Shockley  
**HB 269**, introduced by Bergren  
**HB 277**, introduced by Lindeen  
**HB 308**, introduced by Musgrove  
**HB 388**, introduced by Lake  
**HB 433**, introduced by P. Clark  
**HB 435**, introduced by Sinrud  
**HB 453**, introduced by Raser  
**HB 499**, introduced by Franklin  
**HB 521**, introduced by Balyeat  
**HB 527**, introduced by Mendenhall  
**HB 532**, introduced by Stoker  
**HB 653**, introduced by Lambert  
**HB 681**, introduced by E. Clark

**MESSAGES FROM THE GOVERNOR**

March 28, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 30** sponsored by Representative Hurwitz, **House Bill 60** sponsored by Representative McKenney, and **House Bill 656** sponsored by Representative Bitney on March 28, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 31, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 154** sponsored by Representative Lenhart, **House Bill 621** sponsored

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by Representative Sinrud et al., and **House Bill 635** sponsored by Representative Forrester et al. on March 31, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 774**, introduced by Mendenhall, F. Thomas, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 462**, introduced by DePratu, referred to Taxation.

**SB 478**, introduced by Story, Anderson, DePratu, Devlin, Forrester, Fuchs, Glaser, Jackson, Keenan, Lambert, Matthews, McNutt, Mood, A. Olson, Peterson, F. Thomas, Waitschies, referred to Taxation.

**SB 480**, introduced by Black, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 381** - Representative Fuchs moved **HB 381** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Parker, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 34

Voted Absentee: Noennig, Aye.

Excused: None.

Total 0



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Absent or not voting: Fuchs.  
Total 1

**HB 757** - Representative Witt moved **HB 757** do pass.

Representative Bergren moved **HB 757**, second reading copy, be amended as follows:

1. Page 8, line 7.

**Strike:** "and"

2. Page 8.

**Following:** line 7

**Insert:** "(b) \$500,000 must be allocated each fiscal year to the department of public health and human services for the development and implementation of a program for the treatment of addictive disorders related to gambling; and"

**Renumber:** subsequent subsection

3. Page 8, line 8.

**Strike:** "90%"

**Insert:** "the remaining amount"

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Forrester, Fuchs, Gallus, Galvin-Halcro, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Keane, Lambert, Lange, Laslovich, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Wanzenried, Weiss, Windy Boy, Witt, Younkin.

Total 52

Noes: Andersen, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Cohenour, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jackson, Jent, Kasten, Kaufmann, Lake, Laszloffy, Lawson, Lehman, Lewis, Mendenhall, B. Olson, Pattison, Rome, Sales, Schrumpf, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Mr. Speaker.

Total 47

Excused: Noennig.

Total 1

Absent or not voting: None.

Total 0

Representative Jackson moved **HB 757**, second reading copy, be further amended as follows:

1. Page 8, line 7.

**Strike:** "and"

2. Page 8.

**Following:** line 7

**Insert:** "(b) \$500,000 must be allocated each fiscal year to the department of public health and human services for the

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development and implementation of a program for the treatment of addictive disorders related to gambling; and"  
**Renumber:** subsequent subsection

3. Page 8, line 8.

**Strike:** "90%"

**Insert:** "the remaining amount"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Noennig.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 757**, as amended, do pass **failed** as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Carney, Cohenour, Cyr, Devlin, Facey, Forrester, Fuchs, Gallus, Galvin-Halcro, Hedges, Hurwitz, Jayne, Juneau, Keane, Lambert, Lange, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Newman, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Windy Boy, Witt.

Total 41

Noes: Andersen, Ballantyne, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Dickenson, Dowell, Erickson, Everett, Fisher, Franklin, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Jackson, Jacobson, Jent, Kasten, Kaufmann, Lake, Laszloffy, Lawson, Lewis, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.

Total 59

Voted Absentee: Noennig, No.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 714** - Representative Balyeat moved **HB 714** do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

Voted Absentee: Noennig, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 152** - Representative Morgan moved **SB 152** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Cyr, Juneau, Keane, Lawson, Newman, Stoker, Thomas, Windy Boy.

Total 8

Voted Absentee: Noennig, Aye.

Excused: None.

Total 0

Absent or not voting: Erickson, Franklin.

Total 2

**SB 220** - Representative Fuchs moved **SB 220** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: P. Clark, Cohenour, Erickson, Franklin, Gallik, Kaufmann, Laslovich, Lewis, Malcolm, Sales, Small-Eastman, Smith, Wanzenried, Weiss.  
Total 14

Voted Absentee: Noennig, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted.

Representative Balyeat made a **substitute motion** that **HB 714** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Devlin, Everett, Fisher, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.  
Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 748** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, Callahan, P. Clark, Franklin, Juneau, Kaufmann, Lindeen, A. Olson, Smith, Wanzenried, Weiss, Windy Boy.

Total 12

Excused: Noennig.

Total 1

Absent or not voting: None.

Total 0

**SB 22** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Noennig.

Total 1

Absent or not voting: None.

Total 0

**SB 34** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs,

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Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Balyeat, Becker, Bixby, Bookout-Reinicke, Dowell, Franklin, Jayne, Juneau, Lindeen, Rice, Sales, Wanzenried, Weiss.  
Total 13

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**SB 76** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Jayne, Kasten, Sales.  
Total 3

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**SB 101** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

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Noes: Buzzas, Franklin, Gallik, Gallus, Kaufmann, Sales, Sinrud, Wanzenried.  
Total 8

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**SB 133** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Buzzas, Callahan, P. Clark, Cyr, Franklin, Gallik, Galvin-Halcro, Gutsche, Harris, Kaufmann, Lawson, Lindeen, Mendenhall, Newman, Raser, Sales, Wanzenried.  
Total 17

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**SB 145** concurred in as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, B. Olson, Parker, Peterson, Raser, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 69

Noes: Andersen, Barrett, D. Brown, E. Clark, Devlin, Everett, Fisher, Hawk, Hurwitz, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Waitschies, Witt, Mr. Speaker.  
Total 30

Excused: Noennig.  
Total 1

Absent or not voting: None.

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Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**SB 349**, be amended as follows:

4/1/2003

1. Page 2, line 3 through line 5.

**Strike:** "means" on line 3 through "insurance" on line 5

**Insert:** "includes:

- (a) cancellation, denial, or nonrenewal of personal insurance coverage;
- (b) charging a higher insurance premium for personal insurance that would have been offered if the credit information or insurance score would have been more favorable whether the increase is caused by:
  - (i) application of a rating rule;
  - (ii) assignment to a rating tier that does not have the lowest rates; or
  - (iii) placement with an affiliate insurer that does not offer the lowest rates available to the consumer within the affiliated group of insurance companies;
- (c) any reduction or change in terms of the coverage or amount of any personal insurance that is unfavorable to the consumer and is due to the consumer's credit information or insurance score. A reduction or unfavorable change occurs when:
  - (i) coverage provided to the consumer is not as broad as coverage requested by the consumer and is available to other insureds of the insurer or any affiliate insurer; or
  - (ii) the consumer is not eligible for benefits, such as dividends that are available through the insurer or an affiliate insurer"

2. Page 2, line 26.

**Following:** "insured."

**Insert:** "The term includes the term "credit score"."

3. Page 2, following line 26.

**Insert:** "(9) "Substantially weighing" means weighing by an insurer of a consumer's credit information with all other applicable underwriting factors with the result that the consideration of all other applicable factors clearly outweighs consideration of the consumer's credit information."

4. Page 3, line 2.

**Strike:** "solely"

5. Page 3, line 3.

**Strike:** "any"

**Insert:** "and substantially weighing"

**Strike:** "factor"

**Insert:** "factors"

6. Page 3, line 5.

**Strike:** "renewal"

**Strike:** "solely"

7. Page 3, line 6.

**Strike:** "any"



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**Insert:** "and substantially weighing"

**Strike:** "factor"

**Insert:** "factors"

8. Page 3, line 7.

**Strike:** "solely"

9. Page 3, line 8.

**Strike:** "any"

**Insert:** "and substantially weighing"

**Strike:** "factor"

**Insert:** "factors"

10. Page 3, line 10 through line 14.

**Strike:** "unless" on line 10 through "criteria" on line 14

11. Page 3, line 15 through line 16.

**Strike:** "unless" on line 15 through "uses" on line 16

**Insert:** "obtained from"

12. Page 3, line 16.

**Strike:** "within"

**Insert:** "more than"

13. Page 3, line 24.

**Following:** "period"

**Insert:** "except as described in [section 6]"

14. Page 3, line 29.

**Strike:** subsection (i) in its entirety

**Renumber:** subsequent subsections

15. Page 4, lines 9 and 10.

**Following:** "(a)" on line 9

**Insert:** "the number of"

**Strike:** "not" on line 9 through "information" on line 10

16. Page 4, line 15.

**Strike:** "or"

17. Page 4, line 18.

**Following:** "considered"

**Insert:** "; or

(f) the consumer's use of a particular type of credit card, charge card, or debit card"

18. Page 5, line 14.

**Strike:** "and"

19. Page 5, line 17.

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**Strike:** "up to"  
**Insert:** "at least"  
**Following:** "four"  
**Insert:** "negative"

20. Page 5, line 21.  
**Following:** "section"  
**Insert:** "if at least four negative factors are used in the explanation"

21. Page 5, following line 21.  
**Insert:** "(3) inform the consumer that the consumer is entitled to a free copy of the consumer's consumer report under the Fair Credit Reporting Act, 15 U.S.C. 1681, et seq. The insurer shall provide the consumer with the name and telephone number of the credit reporting agency that the insurer used to determine the credit score. This information must be prominently displayed as part of the information provided to the consumer pursuant to subsection (2)."

22. Page 5, line 25.  
**Strike:** "may"  
**Insert:** "must"

23. Page 5, line 26.  
**Following:** "information"  
**Insert:** "as a rating or underwriting criterion as required in 33-16-203 and a certification by an officer of the insurer that the model is in compliance with the Montana Insurance Code"

24. Page 6, line 12 through line 14.  
**Strike:** subsection (2) in its entirety  
**Renumber:** subsequent subsection

25. Page 9, line 5.  
**Strike:** "July 1, 2004"  
**Insert:** "October 1, 2003"

And, as amended, be concurred in. Report adopted.

**SB 450**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 4/1/2003  
**HJR 35**, be adopted. Report adopted.  
**SB 77**, be concurred in. Report adopted.  
**SB 138**, be amended as follows:

1. Page 3.  
**Following:** line 18  
**Insert:** "NEW SECTION. Section 5. Coordination instruction. (1) If House Bill No. 391 and [this act] are both passed and approved, then [section 2 of House Bill No. 391], amending 15-32-402, is void.  
(2) If Senate Bill No. 146 and [this act] are both passed and approved then:  
(a) [section 4 of Senate Bill No. 146], amending 15-32-402, is void; and  
(b) the reference to 90-4-102 in [section 4 of this act], amending 15-32-402, is changed to 15-6-225."

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**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 247**, be amended as follows:

1. Title, line 7.

**Following:** "FOR THE"

**Insert:** "DEFAULT SUPPLIER FOR DEFAULT SUPPLY PLANNING, PORTFOLIO MANAGEMENT, AND RESOURCE"

**Strike:** "PROCESS"

2. Title, line 8.

**Following:** "REQUIREMENTS FOR"

**Insert:** "COMMENT BY THE PUBLIC AND THE"

**Strike:** "ACTION"

3. Title, line 9 through line 11.

**Strike:** "REQUIRING" on line 9 through "RATES" on line 11

**Insert:** "PROVIDING A PROCESS FOR DEFAULT SUPPLY PROCUREMENT FILINGS AND COMMISSION APPROVAL; REQUIRING THE COMMISSION TO ESTABLISH AN ELECTRICITY COST RECOVERY MECHANISM FOR PRUDENTLY INCURRED ELECTRICITY SUPPLY COSTS; REQUIRING THE COMMISSION TO REQUIRE THE DEFAULT SUPPLIER TO OFFER MULTIPLE SERVICE OPTIONS; REQUIRING THE DEFAULT SUPPLIER TO OFFER ITS CUSTOMERS THE OPTION OF PURCHASING A PRODUCT COMPOSED OF CERTIFIED ENVIRONMENTALLY PREFERRED RESOURCES"

**Strike:** "SECTION" on line 11

**Insert:** "SECTIONS 69-1-114 AND"

4. Title, line 12.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

5. Page 1, line 16 through page 4, line 25.

**Strike:** everything after the enacting clause

**"NEW SECTION. Section 1. Default supply resource planning and procurement -- duties of default supplier -- objectives -- commission rules.** (1) The default supplier shall:

- (a) plan for future default supply resource needs;
- (b) manage a portfolio of default supply resources; and
- (c) procure new default supply resources when needed.

(2) The default supplier shall pursue the following objectives in fulfilling its duties pursuant to subsection (1):

- (a) provide adequate and reliable default supply services at the lowest long-term total cost;
- (b) conduct an efficient default supply resource planning and procurement process that evaluates the full range of cost-effective electricity supply and demand-side management options;
- (c) identify and cost-effectively manage and mitigate risks related to its obligation to provide default electricity supply service;

- (d) use open, fair, and competitive procurement processes whenever possible; and
- (e) provide default supply services at just and reasonable rates.

(3) By December 31, 2003, the commission shall adopt rules that guide the default supply resource planning and procurement processes used by the default supplier and facilitate the achievement of the objectives in subsection (2)

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by the default supplier. The rules must establish:

- (a) goals, objectives, and guidelines that are consistent with the objectives in subsection (2) for:
  - (i) planning for future default supply resource needs;
  - (ii) managing the portfolio of default supply resources; and
  - (iii) procuring new default supply resources;
- (b) standards for the evaluation by the commission of the reasonableness of a power supply purchase agreement proposed by the default supplier; and
- (c) minimum filing requirements for an application by the default supplier for advanced approval of a proposed power supply purchase agreement."

**Insert: "NEW SECTION. Section 2. Default supply resource procurement plans -- comment on plans.** (1) The default supplier shall develop default supply resource procurement plans. The plans must be submitted to the commission at intervals determined in rules adopted by the commission pursuant to [section 1].

(2) A default supply resource procurement plan must demonstrate the default supplier's achievement of the objectives provided in [section 1] and compliance with the rules adopted pursuant to [section 1].

- (3) The commission shall:
- (a) review the default supply resource procurement plan;
  - (b) provide an opportunity to the public to comment on the plan; and
  - (c) issue written comments that identify:
    - (i) any concerns of the commission regarding the default supplier's compliance with the rules adopted pursuant to [section 1]; and
    - (ii) ways to remedy any concerns."

**Insert: "NEW SECTION. Section 3. Default supply filings -- commission processing and approval.** (1) A default supplier may apply to the commission for advanced approval of a power supply purchase agreement that is:

- (a) not executed; or
- (b) executed with a provision that allows termination of the agreement if the commission does not find the agreement reasonable.

(2) (a) The commission shall issue an order on the default supplier's application for advanced approval of a power supply purchase agreement in a timely manner as provided in this subsection (2).

(b) In establishing an administrative procedure for reviewing an application for advanced approval, the commission shall consider any financing and market constraints and the due process rights of affected persons.

(c) Within 45 days of the default supplier's submission of an application for advanced approval, the commission shall determine whether or not the application is adequate and in compliance with the commission's minimum filing requirements. If the commission determines that the application is inadequate, it shall explain how the filing fails to comply with the objectives in [section 1] and the rules adopted pursuant to [section 1].

(d) The commission shall issue an order within 180 days of receipt of an adequate application unless it determines that extraordinary circumstances require additional time.

(e) To facilitate timely consideration of an application, the commission may initiate proceedings to evaluate planning and procurement activities related to a potential resource procurement prior to the default supplier's submission of an application for approval.

(3) (a) The commission may approve or deny, in whole or in part, an application for advanced approval of a power supply purchase agreement.

(b) The commission may consider all relevant information known up to the time that the administrative record in the proceeding is closed in the evaluation of an application for advanced approval of a power supply purchase agreement.

(c) A commission order granting advanced approval of a power supply purchase agreement must include the following findings:

- (i) advanced approval of all or part of the agreement is in the public interest;
- (ii) the agreement resulted from a reasonable effort by the default supplier to comply with the objectives in [section 1] and the rules adopted pursuant to [section 1]; and

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(iii) the price, quantity, duration, and other contract terms directly related to the price, quantity, and duration of the power supply purchase agreement are reasonable.

(d) The commission order may include other findings that the commission determines are necessary.

(e) A commission order that denies advanced approval must describe why the findings required in subsection (3)(c) could not be reached.

(4) Notwithstanding any provision of this chapter to the contrary, if the commission has issued an order containing the findings required under subsection (3)(c), the commission may not subsequently disallow the recovery of costs incurred under the agreement based on contrary findings.

(5) If a default supplier does not apply for advanced approval of a power supply purchase agreement, the commission shall consider the prudence of the default supplier's resource procurement actions in the context of a default supplier's cost recovery filing pursuant to 69-8-210 or in a separate proceeding. The commission's decisions in these proceedings must be based on facts that were known or should reasonably have been known by the default supplier at the time of its procurement decisions.

(6) Nothing limits the commission's ability to subsequently, in any future cost recovery proceeding, inquire into the manner in which the default supplier has managed a power supply purchase agreement as part of its overall portfolio. The commission may subsequently disallow default supply costs that result from the failure of a default supplier to reasonably administer power supply purchase agreements in the context of its overall default supply portfolio management and service obligations.

(7) The commission may engage independent consultants or advisory services to evaluate a utility's default supply resource procurement plans and proposed power supply purchase agreements. The consultants must have demonstrated knowledge and experience with electricity supply procurement and resource portfolio management, modeling, and risk management practices. The commission shall charge a fee to the default supplier to pay for the costs of consultants or advisory services. These costs are recoverable in default supply rates."

**Insert: "Section 4.** Section 69-1-114, MCA, is amended to read:

**"69-1-114. Fees.** (1) Each fee charged by the commission must be commensurate with the costs incurred in administering the function for which the fee is charged except those fees set by federal statute.

(2) ~~No~~ Except for a fee assessed pursuant to [section 3(7)], no fee set by the commission may exceed \$500.

(3) All fees collected by the department under [section 3(7)] must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in [section 3(7)]."

**Insert: "Section 5.** Section 69-8-210, MCA, is amended to read:

**"69-8-210. Public utilities -- electricity supply.** ~~(1) On the effective date of a commission order implementing a public utility's transition plan pursuant to 69-8-202, the public utility shall remove its generation assets from the rate base:~~

~~———— (2) During the transition period, the commission may establish cost-based prices for electricity supply service for customers that do not have a choice of electricity supply service or that have not yet chosen an electricity supplier.~~

~~———— (3) If the transition period is extended, then the customers' distribution services provider shall:~~

~~———— (a) extend any cost-based contract with the distribution services provider's affiliate supplier for a term of not more than 3 years; or~~

~~———— (b) purchase electricity from the market; and~~

~~———— (c) use a mechanism that recovers electricity supply costs in rates to ensure that those costs are fully recovered.~~

(1) A public utility's distribution services provider shall provide default supply service.

(2) The commission shall establish an electricity cost recovery mechanism that allows a default supplier to fully recover prudently incurred electricity supply costs, subject to the provisions of [sections 1 and 2]. The cost recovery mechanism must provide for prospective rate adjustments for cost differences resulting from cost changes, load changes, and the time value of money on the differences.

(3) The commission may direct a default supplier to offer its customers multiple default supply service options if the commission determines that those options are in the public interest and are consistent with the provisions of 69-8-104 and 69-8-201.

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(4) Notwithstanding any service options that the commission may require pursuant to subsection (3), a default supplier shall offer its customers the option of purchasing a product composed of or supporting power from certified environmentally preferred resources that include but are not limited to wind, solar, geothermal, and biomass, subject to review and approval by the commission. The commission shall ensure that these resources have been certified as meeting industry-accepted standards.

~~(4)~~(5) If a public utility intends to be an electricity supplier through an unregulated division, then the public utility must be licensed as an electricity supplier pursuant to 69-8-404."

**Insert:** "NEW SECTION. Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 69, chapter 8, part 4, and the provisions of Title 69, chapter 8, part 4, apply to [sections 1 through 3]."

**Insert:** "NEW SECTION. Section 7. Coordination instruction. If [this act] and House Bill No. 509 are both passed and approved, then [section 14 of House Bill No. 509], amending 69-8-210, is void."

**Insert:** "NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. Section 9. Applicability. [Sections 1 through 3] apply only to power supply purchase agreements for which the procurement process begins on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**SB 387**, be amended as follows:

1. Title, line 5.

**Following:** "2000"

**Insert:** "AND AN AGREEMENT AMONG STATES FOR SOURCING OF OTHER TELECOMMUNICATIONS SERVICES"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

2. Title, line 6.

**Following:** "15-53-129"

**Insert:** "AND 15-53-130"

**Strike:** "IMMEDIATE"

3. Page 1.

**Following:** line 13

**Insert:** "(1) 'Call-by-call basis' means any method of charging for telecommunications services that measures the price by individual calls."

**Renumber:** subsequent subsections

4. Page 1, line 21.

**Strike:** "(2)(b)"

**Insert:** "(3)(b)"

5. Page 2, line 6.

**Strike:** the last "the"

6. Page 2, line 7 through line 8.

**Strike:** "mobile" on line 7

**Strike:** ":", on line 7 through "(a)" on line 8

**Strike:** ":", and" on line 8

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**Insert:** "."

7. Page 2, line 9.

**Strike:** "(b)"

**Insert:** "For mobile telecommunications services, the place of primary use must be"

8. Page 2.

**Following:** line 9

**Insert:** "(7) "Postpaid calling basis" means that telecommunications services are obtained by making a payment on a call-by-call basis, either through the use of a card or payment mechanism, such as a bank card, travel card, credit card, or debit card, or by a charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

(8) "Private communications service" means a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which the channel or channels are connected, and includes switching capacity, extension lines, stations, and other associated services that are provided in connection with the use of the channel or channels."

**Renumber:** subsequent subsections

9. Page 2, line 15.

**Strike:** "(7)(b)"

**Insert:** "(10)(b)"

10. Page 2, line 17.

**Strike:** "billed"

**Insert:** "charged"

11. Page 2, line 22.

**Following:** "long-distance,"

**Insert:** "private communications,"

12. Page 2, line 23.

**Following:** "services"

**Insert:** ", regardless of whether the services are paid for on a call-by-call basis or postpaid calling basis"

13. Page 3, line 13.

**Strike:** "(9)(b),"

**Insert:** "(12)(b)"

14. Page 3, line 14 through line 15.

**Strike:** the first "where" on line 14 through "received; or" on line 15

**Insert:** "of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of the location to which the bill for the call is sent or the location from which the payment of the bill is received;"

15. Page 3, line 16 through line 17.

**Strike:** the first "where" on line 16 through "mailed" on line 17

**Insert:** "if the location in subsection (12)(a)(i) is not known, the origination point of the signal of the telecommunications service first identified by either the seller's telecommunications system or, if the system used to transport the signal is not that of the seller, in information received by the seller from its service provider; or

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(iii) if the location in subsection (12)(a)(i) or (12)(a)(ii) is not known, the location of the customer's place of primary use"

16. Page 3, line 24.

**Insert:** "Section 2. Section 15-53-130, MCA, is amended to read:

**"15-53-130. Imposition of retail telecommunications excise tax -- rate.** An excise tax of 3.75% is imposed on the sales price of retail telecommunications services. ~~The Subject to [sections 3 and 4], the~~ tax is imposed on the purchaser and must be collected by the telecommunications services provider."

**Renumber:** subsequent sections

17. Page 4, line 21.

**Insert:** "NEW SECTION. **Section 4. Telecommunications services other than mobile telecommunications services.** (1) Except as provided in subsection (2), the sale of a telecommunications service paid for on a call-by-call basis is taxable in this state if the service address is located within the state.

(2) The sale of a telecommunications service paid for on a postpaid calling basis is taxable in this state if the origination point of the telecommunications signal as first identified by either the seller's telecommunications system or, if the system used to transport the signal is not that of the seller, the information received by the seller from its service provider is within the state.

(3) The sale of a private communications service is taxable in this state in the following manner:

(a) all charges related to a customer channel termination point located within the state are taxable within the state;

(b) all charges for service where all of the customer channel termination points are located entirely within the state are taxable within the state;

(c) charges for a segment of a channel between two taxpayer channel termination points, one located inside the state and one located outside the state, and for which the segment is separately charged are apportioned 50% to this state for taxation purposes; and

(d) charges for segments of a channel located in this state and one or more other states and for which the segments are not separately billed are apportioned to this state for taxation purposes based on the percentage determined by dividing the number of taxpayer channel termination points in this state by the total number of taxpayer channel termination points.

(4) In the case of a bundled transaction of telecommunications services, if the charges are attributable to services that are taxable and services that are nontaxable, the portion of the price attributable to the nontaxable services is subject to tax unless the provider can reasonably identify the portion of nontaxable services from its books and records kept in the regular course of business."

**Renumber:** subsequent sections

18. Page 4, line 22.

**Strike:** "[Section 2] is"

**Insert:** "[Sections 3 and 4] are"

19. Page 4, line 23.

**Strike:** "[section 2]"

**Insert:** "[sections 3 and 4]"

20. Page 4, line 25.

**Strike:** "on" through "approval"

**Insert:** "July 1, 2003"

And, as amended, be concurred in. Report adopted.



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**SJR 22**, be amended as follows:

1. Page 1, line 24.

**Strike:** "an"

**Insert:** "a significant"

**Following:** "gasoline"

**Strike:** "to" through "gallon"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

4/1/2003

**SB 194**, be amended as follows:

1. Page 2, line 9.

**Following:** "MUST"

**Strike:** "PROVIDE FOR"

**Insert:** "address how and whether"

**Following:** "PURPOSES"

**Insert:** "will be granted"

2. Page 2, line 10.

**Following:** "AGREEMENT"

**Insert:** "that grants new ground water uses"

3. Page 2, line 12.

**Following:** "MUST"

**Strike:** "PROVIDE FOR"

**Insert:** "address how and whether"

4. Page 2, line 13.

**Following:** "RESERVATION"

**Insert:** "will be granted"

**Following:** "AGREEMENT"

**Insert:** "that grants changes"

5. Page 2, line 15.

**Following:** "MUST"

**Strike:** "PROVIDE" through "OF WATER"

**Insert:** "address how and whether water use will be authorized"

6. Page 2, line 16.

**Following:** "AGREEMENT"

**Insert:** "and how the use will be secure and valid"

And, as amended, be concurred in. Report adopted.

**SB 366**, be amended as follows:

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1. Page 3.

**Following:** line 19

**Insert:** "NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 375**, be amended as follows:

1. Title, line 5.

**Strike:** "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 12 through line 13.

**Strike:** "AS" on line 12 through "PROPERTIES" on line 13

**Insert:** "for any aboveground purpose unless they are encased in concrete or a similar material that will maintain the integrity of the bale upon failure of the bale restraining devices"

3. Page 1, line 15 through line 16.

**Strike:** "BE" on line 15 through "PROJECTS" on line 16

**Insert:** "not be placed under water under any circumstances"

4. Page 1, line 21 through line 23.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

5. Page 1, line 27 through line 28.

**Strike:** section 5 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 409**, be amended as follows:

And, as amended, be concurred in. Report adopted.

**SB 434**, be amended as follows:

1. Page 1, line 17 through line 18.

**Strike:** "EXCEPT" on line 17 through "THE" on line 18

**Insert:** "The"

2. Page 1, line 25.

**Strike:** "contracted"

**Insert:** "dispatched"

3. Page 1, line 28.

**Following:** "(1)(e)"

**Insert:** ", except for willful misconduct or gross negligence"

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And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**MOTIONS**

Representative Dowell moved **SB 760** be taken from the table in the Committee on Taxation and be placed on second reading Legislative Day 70. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, B. Olson, Parker, Raser, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: Noennig.  
Total 1

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Jackson and Representative Newman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:30 a.m., Wednesday, April 2, 2003. Motion carried.

House adjourned at 3:13 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana  
April 2, 2003

House Chambers  
State Capitol

House convened at 10:34 a.m. Mr. Speaker in the Chair. Invocation by Representative Jackson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Steinbeisser, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/2/2003

Correctly printed: **HJR 35, SB 35, SB 77, SB 191, SB 337, SB 409, SB 449, SB 450, SJR 11.**

Correctly engrossed: **HB 355, HB 758, SB 95, SB 111, SB 138, SB 194, SB 247, SB 314, SB 347, SB 349, SB 366, SB 375, SB 387, SB 434, SJR 18, SJR 22.**

Delivered to the Governor for approval at 9:00 a.m., April 2, 2003: **HB 196, HB 323, HB 340, HB 354, HB 458, HB 549, HB 554.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 4/2/2003  
**SB 62**, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "DEPARTMENT" on line 4 through "ADMINISTRATION" on line 5

**Insert:** "ATTORNEY GENERAL"

2. Title, line 8 through line 9.

**Strike:** "PROHIBITING" on line 8 through "SERVICES;" on line 9

3. Title, line 13.

**Following:** "~~LIST~~;"

**Insert:** "CREATING AN ADVISORY GROUP FOR CONSUMER PROTECTION WITH RESPECT TO TELEMARKETERS; PROVIDING FOR DISSEMINATION OF INFORMATION ON THE NO-CALL LIST;"

4. Page 2, line 1.

**Strike:** "7"

**Insert:** "8"

5. Page 2, line 4.

**Strike:** "7"

**Insert:** "8"

6. Page 2, line 6.

**Strike:** "which"

**Insert:** "that"

7. Page 2, line 8.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

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8. Page 2, line 16 through line 17.

**Strike:** "had" on line 16 through "contact" on line 17

**Insert:** "an existing business relationship with or has previously purchased from"

9. Page 2, line 17.

**Strike:** "180" through "relationship"

**Insert:** "18 months"

10. Page 3, line 3.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

11. Page 3, line 7.

**Strike:** "DEPARTMENT"

**Insert:** "Attorney general"

12. Page 3, line 9.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

13. Page 3, line 11.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

14. Page 3, line 13.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

15. Page 3, line 15.

**Strike:** "7"

**Insert:** "8"

16. Page 3, line 17.

**Strike:** "DEPARTMENT" in 2 places

**Strike:** "attorney general" in both places

17. Page 3, line 28.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

18. Page 4, line 2.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

19. Page 4, line 8.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

20. Page 4, line 12.

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**Strike:** "Interference" through "prohibited"

**Insert:** "Identity of person initiating telephone solicitation call required"

**Strike:** "(1)"

21. Page 4, line 15 through line 17.

**Strike:** subsection (2) in its entirety

22. Page 4, line 19.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

23. Page 4, line 21.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

24. Page 5, line 21.

**Strike:** "7"

**Insert:** "8"

25. Page 5, line 24.

**Strike:** "OR 5"

26. Page 6, line 10.

**Insert:** "NEW SECTION. Section 7. Advisory group for consumer protection from telemarketers -- publication of information on consumer rights. (1) The attorney general shall establish an advisory group composed of government entities, local exchange telecommunications companies, businesses, senior citizens, and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations and telemarketers, as defined in 30-14-1403.

(2) The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of educational literature and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature.

(3) The attorney general shall include on the attorney general's internet website information that informs residential subscribers of their rights to be placed on a no-call list and the various methods, including notice to the attorney general, of placing their names on the no-call list.

(4) The attorney general shall have any literature developed for dissemination to the public pursuant to this section ready for dissemination no later than January 1, 2004."

**Renumber:** subsequent sections

27. Page 6, line 13.

**Strike:** "7"

**Insert:** "8"

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

28. Page 6, line 15.

**Strike:** "DEPARTMENT"

**Insert:** "attorney general"

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29. Page 6, line 18.

**Strike:** "7"

**Insert:** "8"

30. Page 6, line 20.

**Strike:** "7"

**Insert:** "8"

31. Page 6, line 21.

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If House Bill No. 424 and [this act] are both passed and approved, then House Bill No. 424 is void."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 308**, be amended as follows:

1. Title, line 8 through line 19.

**Strike:** "REQUIRING" on line 8 through "TELEMARKETING;" on line 19

2. Title, line 20 through line 22.

**Strike:** "INCREASING" on line 20 through "MONTANA;" on line 22

3. Title, line 23 through line 24.

**Strike:** "SECTIONS" on line 23 through "30-14-1411," on line 23

**Insert:** "SECTION"

**Following:** "30-14-1412," on line 23

**Strike:** "AND" on line 23 through "30-14-1413," on line 24

4. Page 1, line 28 through page 8, line 8.

**Strike:** section 1 through section 6 in their entirety

**Renumber:** subsequent sections

5. Page 9, line 7 through line 28.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

6. Page 10, line 12 through line 14.

**Strike:** subsection (1) in its entirety

7. Page 10, line 15.

**Strike:** "(2)"

**Strike:** "9"

**Insert:** "2"

8. Page 10, line 16.

**Strike:** "9"

**Insert:** "2"

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And, as amended, be concurred in. Report adopted.

**SB 330**, be amended as follows:

1. Title, line 5.

**Strike:** "BENEFITS OF A"

**Insert:** "PRODUCTIVITY AND EFFICIENCY OUTCOMES ASSOCIATED WITH THE"

2. Page 1, line 25.

**Following:** "(4)"

**Insert:** "(a)"

**Strike:** "The"

**Insert:** "Subject to subsection (4)(b), the"

3. Page 1, line 26 through line 28.

**Strike:** "STATEWIDE" through "benefits" on line 26

**Insert:** "economic productivity and efficiency outcomes"

**Following:** "procurement" on line 26

**Insert:** "for the default supply stakeholders"

**Strike:** "THE" on line 26 through "PROCUREMENT." on line 28

**Insert:** "The default supply stakeholders include the default supplier, customers of the default supplier, and the public."

**Following:** line 28

**Insert:** "(b) The consideration of economic benefits is secondary to the consideration of the costs and benefits to the consumer and other criteria established by law."

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

4/2/2003

**SB 209**, be concurred in. Report adopted.

**SB 395**, be amended as follows:

1. Page 1, line 13.

**Insert:** "WHEREAS, the Legislature intends that the provisions of the special wild buffalo or bison license be administered and implemented by the Department of Fish, Wildlife, and Parks, after consultation with the Department of Livestock, regarding the management of wild buffalo or bison that have been designated as a species in need of disease control."

And, as amended, be concurred in. Report adopted.

**SB 442**, be amended as follows:

1. Title, line 10.

**Following:** "~~IMPORTATION~~,"

**Insert:** "IMPORTATION,"

**Following:** "POSSESSION"

**Insert:** ", "

2. Page 6, line 1.

**Following:** "composition"



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**Insert:** ", appointment,"

3. Page 6, line 1 through line 2.

**Following:** "(1)"

**Strike:** "There" on line 1 through the first "is" on line 2

**Insert:** "The director shall appoint"

4. Page 6, line 8.

**Strike:** "and"

5. Page 6, line 9.

**Following:** "agriculture"

**Strike:** "."

**Insert:** ";

(e) a business that breeds or exhibits exotic wildlife; and

(f) the general public who has an interest in fish or wildlife.

(3) Members of the classification review committee are not entitled to compensation or travel expenses as provided in 2-15-122."

6. Page 9, line 17.

**Following:** "agriculture"

**Insert:** ", public health and human services,"

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

4/1/2003

**HJR 36**, be adopted. Report adopted.

**SB 252**, be amended as follows:

1. Page 2, line 5.

**Following:** "request"

**Insert:** ", on a form prescribed pursuant to 13-13-214(8),"

2. Page 3, line 15.

**Following:** "ballot"

**Insert:** ": (a)"

3. Page 3, line 18

**Following:** "application"

**Insert:** ";

(b) a form, prescribed by the secretary of state, that must be completed by an elector who receives an absentee ballot because of an application made under 13-13-212(5) and returned to the election administrator with the voted absentee ballot. The form must ask the elector to provide the elector's current permanent Montana address. This form must be included in determining the elector's eligibility to vote pursuant to 13-13-241"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

4/2/2003

**HB 773**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/1/2003

**SB 218**, introduced by McNutt  
**SB 464**, introduced by Keenan  
**SB 470**, introduced by Mangan

**House bills** concurred in and returned to the House: 4/1/2003

**HB 306**, introduced by Balyeat  
**HB 438**, introduced by Forrester  
**HB 684**, introduced by A. Olson  
**HB 686**, introduced by Bergren  
**HB 693**, introduced by Sinrud  
**HB 731**, introduced by Lehman

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/2/2003

**HB 20**, introduced by Golie  
**HB 283**, introduced by Fuchs  
**HB 337**, introduced by Ripley  
**HB 481**, introduced by Lewis  
**HB 647**, introduced by B. Thomas

**MESSAGES FROM THE GOVERNOR**

April 1, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 174** sponsored by Representative B. Thomas, **House Bill 182** sponsored by Representative Rome, **House Bill 252** sponsored by Representative Hedges, **House Bill 312** sponsored by Representative Lindeen, and **House Bill 416** sponsored by Representative Younkin et al. on April 1, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

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**HJR 41**, introduced by Lindeen, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 218**, introduced by McNutt, referred to Federal Relations, Energy, and Telecommunications.

**SB 464**, introduced by Keenan, referred to Business and Labor.

**SB 470**, introduced by Mangan, referred to Taxation.

Majority Leader Brown moved that the House recess until 11:10 a.m. for caucuses. Motion carried.

House recessed at 10:40 a.m.

House reconvened at 11:10 a.m. All members present, except Representative Steinbeisser, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

4/2/2003

**SB 46**, be amended as follows:

1. Page 1, line 14.

**Strike:** "the"

**Insert:** "for"

**Strike:** "of any building, road, or bridge"

2. Page 1, line 17.

**Strike:** "and best"

And, as amended, be concurred in. Report adopted.

**SB 389**, be concurred in. Report adopted.

**SB 402**, be amended as follows:

1. Page 2, line 13.

**Strike:** "in obtaining"

**Insert:** "by originating"

2. Page 3, line 17 through line 21.

**Strike:** "WHO" on line 17 through "SERVICES" on line 21

**Insert:** ", except that a mortgage banker that also provides services as a mortgage broker must be licensed as a mortgage broker with respect to those mortgage broker services"

3. Page 7, line 28.

**Following:** "state"

**Insert:** "either on its own accord or in conjunction with another licensed mortgage broker or regulated lender located in this state"

4. Page 8, line 17.

**Following:** "LICENSEE"

**Insert:** "other than a loan originator"

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5. Page 8, line 18.

**Following:** "\$25,000"

**Insert:** "for each location identified in the application for licensure"

**Following:** "."

**Insert:** "The department shall use the proceeds of the letters of credit or surety bonds to reimburse borrowers or bona fide third parties who successfully demonstrate a financial loss because of an act of a licensee that violates the provisions of [sections 1 through 22]."

6. Page 8, line 21.

**Strike:** "plea or"

7. Page 8, line 24.

**Strike:** "plea or"

And, as amended, be concurred in. Report adopted.

**SB 432**, be concurred in. Report adopted.

**SB 444**, be amended as follows:

1. Page 16, following line 19.

**Insert:** "NEW SECTION. Section 12. Coordination instruction. If House Bill No. 17 and [this act] are both passed and approved, then [section 10 of this act], amending 52-3-825, is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

4/2/2003

**SB 284**, be concurred in. Report adopted.

**SB 393**, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 226** - Representative Lawson moved **SB 226** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: Jayne.

Total 1

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 230** - Representative Morgan moved **SB 230** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Sales, Sinrud.

Total 2

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**SB 231** - Representative Morgan moved **SB 231** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Pattison, Sales, Sinrud.

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Total 5

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**SB 232** - Representative Keane moved **SB 232** be concurred in.

Representative Keane moved **SB 232**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "IMMEDIATE"

2. Page 2, line 14.

**Strike:** "ON PASSAGE AND APPROVAL"

**Insert:** "July 1, 2003"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Buzzas, Cohenour, Gallik, Raser.

Total 4

Excused: Steinbeisser.

Total 1

Absent or not voting: Bergren, Callahan, Matthews.

Total 3

Motion that **SB 232**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Hurwitz, Jayne, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Weiss,

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Wilson, Windy Boy, Witt, Younkin.  
Total 67

Noes: Balyeat, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cohenour, Devlin, Everett, Fisher, Franklin, Gallik, Gallus, Gibson, Gutsche, Harris, Hawk, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laszloffy, Malcolm, Pattison, Raser, Sales, Sinrud, Small-Eastman, Wagman, Waitschies, Mr. Speaker.  
Total 32

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**SB 241** - Representative Keane moved **SB 241** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 244** - Representative Andersen moved **SB 244** be concurred in.

Representative Andersen moved **SB 244**, second reading copy, be amended as follows:

1. Page 2, line 29.

**Insert:** "NEW SECTION. Section 4. Coordination instruction. If Senate Bill No. 336 and [this act] are both passed and approved, then [this act] is void."

**Renumber:** subsequent section

Amendment adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Musgrove.

Total 1

Excused: Steinbeisser.

Total 1

Absent or not voting: Lewis, Sinrud.

Total 2

Motion that **SB 244**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Bergren, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Sales, Sinrud, Small-Eastman, Smith, Waitschies, Wanzenried, Wilson.

Total 41

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**SB 249** - Representative McKenney moved **SB 249** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson,



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Total 84

Noes: Branae, Buzzas, Carney, Erickson, Facey, Fritz, Gutsche, Harris, Jayne, Kaufmann, Musgrove, Sales, Shockley, Wanzenried, Windy Boy.

Total 15

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Ripley.

Total 1

**SB 254** - Representative Keane moved **SB 254** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Fisher, Jayne, Kasten, Malcolm, Sales, Shockley.

Total 7

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

**SB 262** - Representative Facey moved **SB 262** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 355** - Representative Newman moved **HB 355** do **not** pass.

Representative Lindeen moved **HB 355**, second reading copy, be amended as follows:

1. Title, lines 10 and 11.

**Following:** "PRODUCTS;" on line 10

**Strike:** remainder of line 10 through "MONTANA;" on line 11

2. Page 4, line 30.

**Strike:** "IF APPROVED BY THE ELECTORATE, THIS ACT"

**Insert:** "[This act]"

3. Page 5, line 6 through line 12.

**Strike:** section 11 in its entirety

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 61

Noes: Andersen, Balyeat, Barrett, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lewis, Maedje, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 38

Voted Absentee: Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

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Representative Franklin moved **HB 355**, second reading copy, be further amended as follows:

1. Page 3, line 1.

**Strike:** "4.7%"

**Insert:** "2.85%"

2. Page 3, line 4.

**Strike:** "90.9%"

**Insert:** "18.74%"

**Strike:** "and"

3. Page 3, line 6.

**Strike:** "4.4%"

**Insert:** "4.07%"

**Following:** "17-7-205"

**Insert:** "; and (d) 74.34% in an account in the state special revenue fund to be used by the department of public health and human services for health and human service-related purposes"

4. Page 4, line 15.

**Following:** "of taxes."

**Insert:** "(1)"

5. Page 4, line 18.

**Following:** "department"

**Insert:** " as follows:

(a) 50% in an account in the state special revenue fund to be used by the department of public health and human services for health and human service-related purposes; and

(b) 50%"

**Following:** "fund."

**Insert:** "(2)"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Matthews, Musgrove, Parker, Pattison, Raser, Ryan, Sinrud, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Stoker, Wagman, Witt, Younkin, Mr. Speaker.

Total 50

Excused: Steinbeisser.

Total 1

Absent or not voting: Facey.

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Total 1

Representative A. Olson moved **HB 355**, second reading copy, be further amended as follows:

1. Title, line 5.

**Strike:** "70"

**Insert:** "43"

2. Page 1, line 19.

**Strike:** "70"

**Insert:** "43"

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Laszloffy, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 42

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Sales, Small-Eastman, Stoker, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 55

Excused: Steinbeisser.

Total 1

Absent or not voting: Lambert, Lange.

Total 2

Motion that **HB 355**, as amended, do **not** pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Everett, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Small-Eastman, Wanzenried, Weiss, Windy Boy.

Total 42

Voted Absentee: Steinbeisser, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 758** - Representative Devlin moved **HB 758** do pass.

Representative Cohenour moved **HB 758**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through line 10.  
**Strike:** "EXEMPTING" on line 7 through "SMOKING;" on line 10

2. Title, page 1, line 11.  
**Following:** "AND"  
**Insert:** "AN"  
**Strike:** "DATES"  
**Insert:** "DATE"

3. Page 1, line 19 through line 22.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 2, line 16 through line 17.  
**Strike:** section 3 in its entirety  
**Renumber:** subsequent sections

5. Page 2, line 26 through line 28.  
**Strike:** "(1)" on line 26 through "[Section 2]" on line 28  
**Insert:** "[This act]"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lewis, Lindeen, Newman, Parker, Raser, Small-Eastman, Wanzenried, Weiss, Windy Boy.  
Total 39

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 60

Excused: Steinbeisser.  
Total 1

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Absent or not voting: None.  
Total 0

Representative Fisher moved for cloture. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.  
Total 77

Noes: Ballantyne, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Kaufmann, Sinrud, Small-Eastman, Wilson.  
Total 19

Excused: Steinbeisser.  
Total 1

Absent or not voting: Jayne, Lake, Mr. Speaker.  
Total 3

Motion that **HB 758** do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fritz, Fuchs, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wilson, Witt, Mr. Speaker.  
Total 52

Noes: Ballantyne, Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lewis, Mendenhall, Newman, Noennig, Parker, Raser, Roberts, Sales, Small-Eastman, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Younkin.  
Total 48

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 767** - Representative Brueggeman moved **HB 767** do pass.

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Representative Lindeen moved consideration of **HB 767** be placed at the bottom of the second reading board. Motion carried.

**SB 401** - Representative Lenhart moved **SB 401** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Bitney, D. Brown, Hawk, Jayne, Kasten, Laszloffy, Lewis, Malcolm, McKenney, Pattison, Sales, Sinrud, Waitschies.

Total 14

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

**SB 423** - Representative Younkin moved **SB 423** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Erickson, Everett, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 62

Noes: Ballantyne, Becker, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Forrester, Gallik, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Lawson, Malcolm, Musgrove, Newman, Pattison, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 38

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 441** - Representative Ballantyne moved **SB 441** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Cyr, Everett, Hawk, Jayne, Morgan, Pattison, Sinrud, Windy Boy.

Total 8

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 767** - Representative Brueggeman moved consideration of **HB 767** be placed at the top of the second reading board. Motion carried.

Representative Brueggeman moved **HB 767** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Kasten, Sales, Sinrud.

Total 4

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**SB 445** - Representative Barrett moved **SB 445** be concurred in. Motion carried as follows:



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Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 447** - Representative Noennig moved **SB 447** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: McKenney, Weiss.

Total 2

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 24** - Representative R. Brown moved consideration of **HB 24** be placed below SB 460 on the second reading board for the purpose of amendment. Motion carried.

**SB 460** - Representative Devlin moved **SB 460** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Callahan, Cohenour, Dickenson, Gallik, Golie, Laslovich, Raser, Smith, Weiss.

Total 9

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Buzzas, Forrester.

Total 2

**SB 24** - Representative Carney moved **SB 24** be concurred in.

Representative Maedje moved **SB 24**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "PROVIDING"

**Insert:** "COPIES OF OR DATA GENERATED BY"

2. Page 1, line 14.

**Following:** "providing"

**Insert:** "copies of the"

3. Page 1, line 15.

**Following:** "services"

**Insert:** "or data generated by the electronic government services in the format acceptable to the requestor"

4. Page 1, line 22.

**Following:** "PROVIDING"

**Insert:** "copies of the"

**Following:** "SERVICES"

**Insert:** "or data generated by the electronic government services in the format acceptable to the requestor"

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, Bergren, D. Brown, Cyr, Dickenson, Forrester, Fuchs, Hedges, Jackson, Jacobson, Jayne, Juneau, Kasten, Lambert, Lange, Lehman, Maedje, Malcolm, Newman, A. Olson, Pattison, Peterson, Raser, Rice, Ripley, Sales, Shockley, Sinrud, Thomas, Wagman, Waitschies, Witt.

Total 33

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Noes: Andersen, Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jent, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Musgrove, Noennig, B. Olson, Parker, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Younkin.  
Total 62

Excused: Steinbeisser.  
Total 1

Absent or not voting: Laszloffy, Morgan, Windy Boy, Mr. Speaker.  
Total 4

Motion that **SB 24** be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Wanzenried, Wilson, Windy Boy.  
Total 60

Noes: Balyeat, Bergren, Bookout-Reinicke, D. Brown, R. Brown, Cyr, Everett, Fisher, Forrester, Fuchs, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Morgan, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Sinrud, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 38

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: Becker, P. Clark.  
Total 2

**SB 37** - Representative R. Brown moved consideration of **SB 37** be passed for the day. Motion carried.

**SB 86** - Representative Kasten moved **SB 86** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

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Noes: Wanzenried.  
Total 1

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: D. Brown, Fisher.  
Total 2

**SB 130** - Representative R. Brown moved consideration of **SB 130** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 135** - Representative Lewis moved **SB 135** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Gallik, Smith, Wanzenried, Weiss.  
Total 4

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Dowell, Jent, Juneau.  
Total 4

**SB 168** - Representative R. Brown moved consideration of **SB 168** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 197** - Representative Younkin moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin.

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Total 75

Noes: Bixby, Branae, D. Brown, Buzzas, Callahan, Cohenour, Cyr, Erickson, Facey, Franklin, Fritz, Gibson, Gutsche, Harris, Jent, Juneau, Lindeen, Musgrove, Newman, Smith, Wanzenried, Weiss.

Total 22

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Peterson, Windy Boy, Mr. Speaker.

Total 3

**HB 714** - Representative Balyeat moved **HB 714** do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 51

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted.

Representative Gallik made a **substitute motion** that **HB 758** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Ayes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Musgrove, Noennig, Raser, Small-Eastman, Smith, Wanzenried, Weiss.

Total 41

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Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Excused: Steinbeisser.  
Total 1

Absent or not voting: Lindeen.  
Total 1

Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Balyeat, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss.  
Total 28

Excused: Steinbeisser.  
Total 1

Absent or not voting: Lindeen, Peterson.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/2/2003  
Correctly enrolled: **HB 41, HB 160, HB 287, HB 306, HB 389, HB 417, HB 438, HB 479, HB 496, HB 507, HB 617, HB 684, HB 686, HB 693, HB 731.**

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman): 4/2/2003  
**SB 112**, be amended as follows:

1. Title, line 8.  
**Strike:** "A"  
**Insert:** "TWO"  
**Strike:** "ACCOUNT"  
**Insert:** "ACCOUNTS"

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2. Page 1, line 15.

**Strike:** "Account"

**Insert:** "Accounts"

3. Page 1, line 16.

**Strike:** "is an account"

**Insert:** "are two accounts"

**Strike:** "account"

**Insert:** "accounts"

4. Page 1, line 18.

**Strike:** the second "the"

**Insert:** "each"

5. Page 1, line 20.

**Following:** "(2)"

**Insert:** "(a)"

**Following:** "the"

**Insert:** "search and rescue"

**Strike:** ":"

6. Page 1, line 24.

**Strike:** "(A)"

**Strike:** ":"

**Insert:** "."

7. Page 1, line 25.

**Following:** "(B)"

**Insert:** "(i) There must be deposited in the fish and game search and rescue account"

**Strike:** "; and"

**Insert:** ". (ii) Money in the fish and game search and rescue account may be expended only for search and rescue operations involving persons who hold a wildlife conservation license as provided in 87-2-202."

8. Page 1, line 26.

**Strike:** "all"

**Insert:** "All"

9. Page 1, line 27.

**Following:** "operations"

**Insert:** "must be deposited in the accounts"

10. Page 1, line 28.

**Following:** "in"

**Strike:** "the"

**Insert:** "each"

11. Page 2, line 3.

**Following:** "in"

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**Strike:** "the"

**Insert:** "each"

12. Page 2, line 6.

**Following:** "from"

**Insert:** "one of"

**Strike:** "account"

**Insert:** "accounts"

13. Page 2, line 8.

**Strike:** "account"

**Insert:** "accounts"

14. Page 11, line 9.

**Following:** "~~fund~~"

**Insert:** "fish and game"

15. Page 11, line 25.

**Following:** "~~the~~"

**Insert:** "fish and game search and rescue"

16. Page 11, line 27.

**Following:** "~~the~~"

**Insert:** "fish and game search and rescue"

17. Page 13, line 4.

**Following:** "~~the~~"

**Insert:** "fish and game search and rescue"

18. Page 13, line 6.

**Following:** "~~the~~"

**Insert:** "fish and game search and rescue"

19. Page 13.

**Following:** line 16

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If House Bill No. 444 and [this act] are both passed and approved, then [sections 8 and 24] of House Bill No. 444 are void."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 246**, be amended as follows:

1. Title, line 8.

**Strike:** "INFORMATION BE PROVIDED TO"

**Following:** "MUNICIPALITY"

**Insert:** "BE NOTIFIED IN ORDER"

2. Page 5, line 4 through line 5.



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**Strike:** "provide" on line 4 through the first "to" on line 5  
**Insert:** "notify"

3. Page 5, line 5.

**Strike:** "that prevents"

**Insert:** "in order to prevent"

And, as amended, be concurred in. Report adopted.

**SB 336**, be amended as follows:

1. Title, line 8.

**Following:** "PARKS"

**Insert:** ", FOR FISHING ACCESS SITES,"

2. Title, line 10.

**Following:** "ELECTION"

**Strike:** "NOT"

**Following:** "REGISTRANT"

**Strike:** "DOES NOT INTEND"

**Insert:** "INTENDS"

3. Title, line 11.

**Following:** first "PARKS"

**Insert:** "AND FISHING ACCESS SITES"

**Following:** "OPTIONAL"

**Strike:** "PARKS"

4. Title, line 12.

**Following:** "PARKS"

**Insert:** "AND FISHING ACCESS SITES"

5. Page 3, line 1.

**Strike:** "\$3.75"

**Insert:** "\$3.25"

6. Page 3, line 2.

**Following:** "parks"

**Insert:** ", 50 cents used for fishing access sites,"

7. Page 4, line 21.

**Following:** first "parks"

**Strike:** "prior to October 1, 2013"

**Insert:** "and fishing access sites"

**Following:** second "parks"

**Insert:** "and fishing access sites"

8. Page 6, line 8.

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**Strike:** "Unless"

**Insert:** "If"

9. Page 6, line 10.

**Following:** "parks"

**Insert:** ", for fishing access sites,"

10. Page 6, line 13.

**Following:** "person"

**Strike:** "does not intend"

**Insert:** "intends"

**Following:** "parks"

**Insert:** "and fishing access sites"

**Following:** "election"

**Strike:** "not"

11. Page 6, line 14.

**Following:** "election is"

**Insert:** "not"

And, as amended, be concurred in. Report adopted.

**SB 340**, be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "REGULATIONS;" on line 6

2. Title, line 9.

**Strike:** ", 76-1-606,"

3. Page 1, line 23.

**Strike:** "(a)"

4. Page 1, line 24.

**Strike:** "(i)"

**Insert:** "(a)"

5. Page 1, line 25.

**Strike:** "(ii)"

**Insert:** "(b)"

6. Page 1, line 27 through line 28.

**Strike:** subsection (b) in its entirety

7. Page 1, line 30 through page 2, line 3.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

8. Page 4.

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**Following:** line 11

**Insert:** "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 326 and [this act] are both passed and approved and both bills amend 76-1-605, then [section 7] of Senate Bill No. 326, amending 76-1-605, is void."

And, as amended, be concurred in. Report adopted.

**SB 370**, be amended as follows:

1. Page 2, line 10.

**Following:** "If"

**Strike:** " " through "administrator."

2. Page 2, line 22.

**Following:** "costs"

**Insert:** ", as provided in subsections (1) and (2)"

3. Page 2, line 26.

**Following:** "FROM THE"

**Insert:** "inmate or"

4. Page 2, line 28.

**Following:** "AT"

**Insert:** ": (i)"

**Following:** "RATE"

**Insert:** "or at a rate that is 70% of the provider's customary charges, whichever is greater; or  
(ii) a negotiated rate"

5. Page 3, line 5.

**Following:** "expenses"

**Insert:** "and the provisions of this section apply"

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

4/2/2003

**SB 239**, be amended as follows:

1. Page 1, line 11.

**Following:** "state"

**Insert:** "agency"

2. Page 1, line 14.

**Strike:** "state"

**Insert:** "employer's"

3. Page 1, line 15.

**Following:** "SPECIFIED"

**Strike:** "WAS BECAUSE OF"

**Insert:** "in this section results in"

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4. Page 1, line 17.

**Following:** "5"

**Insert:** "full"

**Following:** "employee's"

**Insert:** "state of Montana"

**Following:** "service"

**Insert:** ", irrespective of any break in service"

5. Page 1, line 17 through line 19.

**Strike:** "OR" on line 17 through "2-18-704(1)(A)" on line 19

6. Page 1, line 28.

**Following:** "**VOIDNESS**"

**Insert:** "-- coordination instruction"

7. Page 2, line 2.

**Strike:** "[THIS ACT] IS VOID"

**Insert:** "[section 1 of this act] must read as follows:

**"NEW SECTION. Section 1. Retirement incentive -- continuation of health insurance.** Upon termination of employment between July 1, 2003, and October 1, 2003, a university system employee who is eligible for normal retirement by having reached normal retirement age, as defined under the retirement system in which the employee is a member, and who is eligible, pursuant to 2-18-704, to remain on the employer's group health insurance plan or a university system employee whose termination of employment within the time period specified in this section results in a disability retirement is entitled to a continuation of the employer contributions under 2-18-703 or payment of the retiree-only premium, whichever is less, for a time period equal to 1 year for every 5 full years of the employee's state of Montana public service, irrespective of any break in service."

And, as amended, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 150** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

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Excused: Steinbeisser.  
Total 1

Absent or not voting: Barrett, Forrester.  
Total 2

**SB 163** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Bitney, D. Brown, Forrester, Franklin, Fuchs, Jent, Kasten, Sales, Shockley, Sinrud, Wagman.  
Total 12

Excused: Steinbeisser.  
Total 1

Absent or not voting: None.  
Total 0

**SB 166** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Becker, Callahan, Cyr, Erickson, Gutsche, Harris, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Wanzenried, Weiss.  
Total 14

Excused: Steinbeisser.  
Total 1

Absent or not voting: Forrester.  
Total 1

**SJR 9** concurred in as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 115** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Bixby, Everett, Fisher, Lewis, Sales.

Total 6

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

**HB 381** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 59

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 39

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 152** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 88

Noes: P. Clark, Cyr, Hawk, Juneau, Keane, Lawson, Newman, Thomas, Wanzenried, Windy Boy.

Total 10

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 220** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Balyeat, Buzzas, P. Clark, Cohenour, Dowell, Erickson, Franklin, Gallik, Gutsche, Jent, Kaufmann, Laslovich, Lewis, Parker, Sales, Small-Eastman, Wanzenried, Weiss, Windy Boy.

Total 19

Excused: Steinbeisser.

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Total 1

Absent or not voting: Forrester.

Total 1

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HR 4**: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Gallik, Galvin-Halcro, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, A. Olson, B. Olson, Raser, Ripley, Roberts, Schrumpf, Wagman, Wilson, Witt.

Mr. Speaker led the House in singing Happy Birthday to Representative Brueggeman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, April 3, 2003. Motion carried.

House adjourned at 3:28 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



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58TH LEGISLATURE  
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 3, 2003

House Chambers  
State Capitol

House convened at 8:03 a.m. Mr. Speaker in the Chair. Invocation by Representative Lehman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-fourth, sixty-fifth, sixty-sixth, and sixty-seventh legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/3/2003  
Correctly printed: **HB 773, HJR 36, SB 209, SB 284, SB 389, SB 393, SB 432.**  
Correctly engrossed: **SB 46, SB 62, SB 112, SB 239, SB 246, SB 252, SB 308, SB 330, SB 336, SB 340, SB 370, SB 395, SB 402, SB 442, SB 444.**  
Examined by the sponsor and found to be correct: **HB 41, HB 160, HB 287, HB 306, HB 417, HB 507, HB 684, HB 693.**

**STATE ADMINISTRATION** (Barrett, Chairman): 4/2/2003

**HR 4**, introduced resolution, be amended as follows:

1. Page 1, line 10.

**Following:** "Corps,"

**Insert:** "Coast Guard,"

2. Page 2, line 2.

**Strike:** "in the Persian Gulf region"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 2, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 373** sponsored by Representative A. Olson et al. and **House Bill 616**

**STATE INTERNET/BBS COPY**

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sponsored by Representative Younkin on April 2, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 2, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 185, **"AN ACT GENERALLY REVISING LAWS GOVERNING COMMERCIAL DRIVER LICENSING TO CONFORM WITH REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 (MCSIA) AND THE FEDERAL REGULATIONS IMPLEMENTING MCSIA; DEFINING "NONCOMMERCIAL MOTOR VEHICLE"; REVISING THE DEFINITIONS OF "COMMERCIAL MOTOR VEHICLE" AND "COMMERCIAL DRIVER'S LICENSE"; CLARIFYING THE REQUIREMENTS FOR OPERATION OF A COMMERCIAL MOTOR VEHICLE; REVISING THE REQUIREMENTS GOVERNING THE APPLICATION FOR AND RENEWAL OF A COMMERCIAL DRIVER'S LICENSE; REVISING REQUIREMENTS FOR REQUESTING DRIVING RECORDS FROM A PRIOR STATE OF LICENSURE; REVISING LICENSE SUSPENSION PERIODS AND COMPUTATION REQUIREMENTS FOR NONCOMMERCIAL AND COMMERCIAL MOTOR VEHICLE IMPLIED CONSENT LAWS; REVISING REQUIREMENTS FOR SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE FOR MAJOR OFFENSES OR FOR CONDUCT OCCURRING WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE; CLARIFYING THE REQUIREMENTS FOR SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE FOR A PERSON WHO OPERATES A COMMERCIAL MOTOR VEHICLE WITHOUT A COMMERCIAL DRIVER'S LICENSE OR PROPER ENDORSEMENT OR WHILE THE PERSON'S COMMERCIAL DRIVER'S LICENSE IS SUSPENDED; INCLUDING NONCOMMERCIAL MOTOR VEHICLE OFFENSES IN THE LIST OF FELONY-DRUG OFFENSES FOR WHICH SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE IS REQUIRED; AMENDING SECTIONS 61-1-134, 61-1-135, 61-5-102, 61-5-107, 61-5-110, 61-5-111, 61-5-112, 61-5-118, 61-5-212, 61-8-402, 61-8-802, 61-8-803, 61-8-804, 61-8-805, 61-8-806, AND 61-11-102, MCA; REPEALING SECTION 61-5-117, MCA; AND PROVIDING APPLICABILITY DATES"** for the following reasons.

I have no concerns with the objectives of House Bill No. 185, or with its specific measures. I recommend, however, that Section 5 (2) be amended to read that the commercial driver's license means the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

I have enclosed my amendment to that effect. Please be advised that the Department of Justice concurs with this

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amendment. Further, please be advised that Representative Wilson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 185

1. Page 4, line 8.

**Strike:** "motor vehicle"

**Insert:** "driver's"

Majority Leader Brown moved that the House recess until 8:40 a.m. for caucuses. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 8:44 a.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/3/2003

Examined by the sponsor and found to be correct: **HB 389, HB 438, HB 479, HB 496, HB 617, HB 686, HB 731.**

**STATE ADMINISTRATION** (Barrett, Chairman):

4/2/2003

**SB 428**, be amended as follows:

1. Page 1, line 25.

**Following:** "."

**Insert:** "After a commission has been appointed, laws to change the districting and apportionment process or interpret criteria may only be applied to a succeeding commission."

2. Page 2, line 10 through line 28.

**Strike:** subsections (8) through (11) in their entirety

And, as amended, be concurred in. Report adopted.

**SB 429**, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SJR 14** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Malcolm.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 758** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lewis, Mendenhall, Musgrove, Newman, Noennig, Parker, Raser, Sales, Small-Eastman, Waitschies, Wanzenried, Weiss, Wilson.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 767** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 94

Noes: Balyeat, P. Clark, Franklin, Jayne, Sales, Sinrud.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 24** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Witt.

Total 69

Noes: Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Cyr, Everett, Fisher, Forrester, Fuchs, Jackson, Kasten, Lambert, Lange, Laszloffy, Lewis, Lindeen, Maedje, Malcolm, Morgan, Pattison, Raser, Rice, Ripley, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Weiss, Younkin, Mr. Speaker.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 86** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 135** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Franklin, Weiss, Windy Boy.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 197** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Facey, Franklin, Gallik, Gibson, Gillan, Golie, Gutsche, Harris, Jent, Juneau, Kasten, Kaufmann, Keane, Lindeen, Musgrove, Newman, Small-Eastman, Wanzenried, Weiss, Wilson.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 226** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 230** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**SB 231** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

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Noes: Balyeat, Everett, Gallus, Mendenhall, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 241** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 249** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Bixby, Branae, Buzzas, Carney, Erickson, Facey, Fisher, Galvin-Halcro, Gutsche, Harris, Jayne, Kaufmann, Musgrove, Sales, Small-Eastman, Wanzenried, Windy Boy.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.



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Total 0

**SB 254** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Everett, Fisher, Fuchs, Golie, Jayne, Kasten, Lake, Laszloffy, Sales, Windy Boy.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 262** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Franklin.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 401** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche,

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Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, D. Brown, Hawk, Jayne, Lewis, Pattison, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 423** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Erickson, Everett, Fisher, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Balyeat, Becker, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Forrester, Franklin, Gallik, Gallus, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Lindeen, Malcolm, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 441** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

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Noes: Everett, Hawk, Mendenhall, Sinrud.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 445** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 447** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Erickson, Jayne, Wanzenried, Weiss.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 460** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Becker, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Franklin, Gallik, Gillan, Golie, Gutsche, Harris, Kaufmann, Laslovich, Musgrove, Raser, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 37** - Representative Younkin moved consideration of **SB 37** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 130** - Representative Peterson moved **SB 130** be concurred in.

Representative P. Clark moved **SB 130**, second reading copy, be amended as follows:

1. Title, line 13 through line 16.

**Strike:** "10" on line 13 through "PERCENT" on line 16

**Insert:** "ALL"

2. Page 3, line 12 through line 14.

**Strike:** "TEN" on line 12 through "90%" on line 14

**Insert:** "All of the gross receipts from the agreement"

3. Page 3, line 15.

**Following:** the last "trusts"

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**Insert:** ", in accordance with Article X, section 5, of the Montana constitution. The department may not deduct any amount for administrative purposes prior to allocating the gross receipts to the respective trusts"

4. Page 8, line 26 through line 28.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

5. Page 8, line 25.

**Following:** "and"

**Insert:** "and"

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 51

Noes: Andersen, Balyeat, Barrett, Bitney, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Gillan, Golie, Hawk, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

Motion that **SB 130**, as amended, be concurred in carried as follows:

Ayes: Ballantyne, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hurwitz, Jacobson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Parker, Peterson, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Stoker, Thomas, Wagman, Wilson, Younkin, Mr. Speaker.

Total 55

Noes: Andersen, Balyeat, Barrett, Becker, Bixby, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Franklin, Fritz, Gallus, Gutsche, Harris, Hawk, Hedges, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lehman, Maedje, Newman, A. Olson, Pattison, Raser, Rice, Ripley, Rome, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Weiss, Windy Boy, Witt.

Total 44

Excused: None.

Total 0

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Absent or not voting: R. Brown.  
Total 1

**SB 168** - Representative Becker moved **SB 168** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Bergren, Fuchs, Hedges, Lawson, Maedje, Raser, Shockley, Witt.  
Total 9

Excused: None.  
Total 0

Absent or not voting: D. Brown, Gallus, Golie.  
Total 3

**SB 35** - Representative Younkin moved consideration of **SB 35** be placed below SB 77 on the second reading board. Motion carried.

**SB 77** - Representative A. Olson moved **SB 77** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 94

Noes: Sales, Shockley.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Jent, Peterson, Witt.  
Total 4

**SB 35** - Representative Noennig moved **SB 35** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Cohenour.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**SB 95** - Representative Windy Boy moved **SB 95** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Fisher, Franklin, Lawson, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 111** - Representative Franklin moved **SB 111** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Sales.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 191** - Representative Jent moved **SB 191** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Juneau.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Barrett, Buzzas, Gallus, Hurwitz.  
Total 4

**SB 194** - Representative Younkin moved **SB 194** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

**SB 217** - Representative Bergren moved **SB 217** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Balyeat, Barrett, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Jackson, Kasten, Lewis, Mendenhall, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Waitschies.

Total 20

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**SB 247** - Representative R. Brown moved consideration of **SB 247** be placed below SB 288 on the second reading board. Motion carried.

**SB 263** - Representative Lange moved **SB 263** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 97

Noes: Rice.

Total 1

Excused: None.

Total 0

Absent or not voting: Peterson, Witt.

Total 2

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**SB 449** - Representative Raser moved **SB 449** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 78

Noes: Balyeat, Barrett, D. Brown, Everett, Fisher, Fuchs, Kasten, Lawson, Lehman, Lewis, Maedje, Malcolm, Pattison, Rice, Ripley, Sales, Sinrud, Steinbeisser, Waitschies.

Total 19

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman, Mr. Speaker.

Total 3

**SB 274** - Representative Laszloffy moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 275** - Representative Jent moved **SB 275** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman,

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Total 93

Noes: Buzzas, Franklin, Gallik, Kaufmann, Lambert, Wanzenried.

Total 6

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**SB 288** - Representative Laslovich moved **SB 288** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Dickenson, Franklin, Golie, Thomas.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 247** - Representative A. Olson moved **SB 247** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: P. Clark, Cyr, Dickenson, Fisher, Gallik, Haines, Hawk, Hedges, Jayne, Jent, Kaufmann, Keane, Newman, Small-Eastman, Wanzenried, Weiss.

Total 16

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Excused: None.  
Total 0

Absent or not voting: Bixby, Shockley.  
Total 2

**SB 295** - Representative Laszloffy moved consideration of **SB 295** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 304** - Representative Morgan moved **SB 304** be concurred in.

Representative Bookout-Reinicke moved **SB 304**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "POOL;"

**Insert:** "REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE SUPPORT TO THE COMMITTEE;"

2. Page 2, line 2.

**Strike:** "STATE FUND"

**Insert:** "department of labor and industry"

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Laslovich, Lehman, Lenhart, Matthews, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Rice, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Wilson, Mr. Speaker.

Total 53

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Buzzas, E. Clark, Devlin, Erickson, Everett, Fuchs, Gallus, Haines, Hawk, Jackson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Rome, Sales, Shockley, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Windy Boy, Witt, Younkin.

Total 46

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

Motion that **SB 304**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney,

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Total 79

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Cohenour, Dickenson, Gallik, Gallus, Gibson, Gutsche, Harris, Jacobson, Juneau, Laslovich, B. Olson, Ross, Small-Eastman, Smith, Windy Boy, Witt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 315** - Representative Golie moved **SB 315** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.

Total 92

Noes: Balyeat, Fuchs, Hawk, Lake, Sales, Sinrud, Wilson.

Total 7

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 321** - Representative Lambert moved **SB 321** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin.

Total 85

Noes: Callahan, Carney, Cyr, Galvin-Halcro, Jayne, Kaufmann, Keane, Lindeen, Newman, A. Olson, Small-Eastman, Weiss, Windy Boy.

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Total 13

Excused: None.

Total 0

Absent or not voting: Wanzenried, Mr. Speaker.

Total 2

**SB 325** - Representative Noennig moved **SB 325** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bergren, Callahan, Lindeen.

Total 3

Excused: None.

Total 0

Absent or not voting: Erickson, Gillan, Morgan, Wanzenried.

Total 4

**SB 406** - Representative Noennig moved **SB 406** be concurred in.

Representative Noennig moved **SB 406**, second reading copy, be amended as follows:

1. Page 3, line 1.

**Strike:** "conveyed"

**Insert:** "given or to a purchaser upon foreclosure of the mortgage, lien, or trust indenture"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

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Noes: Buzzas, Galvin-Halcro, Lindeen, Musgrove, Weiss.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **SB 406**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Weiss.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

**SB 326** - Representative Gillan moved **SB 326** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Becker, Callahan, Dickenson, Keane, Laslovich, Lawson, Lindeen, Malcolm, Weiss.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Peterson.

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Total 2

**SB 329** - Representative Facey moved **SB 329** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**SB 334** - Representative Matthews moved **SB 334** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas, Stoker, Weiss.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 337** - Representative Matthews moved **SB 337** be concurred in.

Representative Galvin-Halcro moved **SB 337**, second reading copy, be amended as follows:

1. Title, line 6.



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**Strike:** the second "THAT"

2. Title, line 7.

**Strike:** "RATHER THAN"

**Insert:** "IN ADDITION TO"

**Strike:** "IS THE PROXIMATE"

**Insert:** "IN DETERMINING THE"

3. Page 2, line 2.

**Strike:** "that"

**Strike:** "rather than"

**Insert:** "in addition to"

4. Page 2, line 3.

**Strike:** "is the proximate"

**Insert:** "in determining the"

5. Page 2, line 4.

**Strike:** "an intoxicated person"

**Insert:** "the consumer"

6. Page 2, line 6.

**Strike:** "the person furnishing the alcohol"

7. Page 2, line 7 through line 8.

**Strike:** "willfully" on line 7 through "years" on line 8

**Insert:** "the consumer was under the legal age and the furnishing person knew or should have known that the consumer was under age"

8. Page 2, line 9 through line 10.

**Strike:** "the consumption" on line 9 through "alcohol" on line 10

**Insert:** "the furnishing person forced or coerced the consumption or told the consumer that the beverage contained no alcohol while knowing that it did contain alcohol"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

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Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

Motion that **SB 337**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Buzzas, Callahan, P. Clark, Cohenour, Cyr, Erickson, Facey, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 344** - Representative Hawk moved **SB 344** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Buzzas, Franklin, Harris.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 347** - Representative Roberts moved **SB 347** be concurred in.

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Representative Roberts moved **SB 347**, second reading copy, be amended as follows:

1. Page 6, line 13 through line 14.

**Following:** "ACT" on line 13

**Strike:** remainder of line 13 through "18-4-306" on line 14

2. Page 6, line 17.

**Strike:** "THE PURPOSES OF THIS SECTION AND"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Buzzas, Franklin, Hawk, Lewis.

Total 4

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

Motion that **SB 347**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Haines, Lenhart, Rice.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 348** - Representative Becker moved **SB 348** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Buzzas, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 349** - Representative Rome moved **SB 349** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Buzzas, Jayne, Keane, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 360** - Representative Maedje moved **SB 360** be concurred in.

Representative Maedje moved **SB 360**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 9.

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**Strike:** "AN" on line 8 through "IMMEDIATE" on line 9

**Insert:** "A DELAYED"

2. Page 3, line 26.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2005"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Barrett, Cohenour, Gallik, Rice, Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 360**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 362** - Representative Shockley moved **SB 362** be concurred in.

Representative Laslovich moved **SB 362**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through line 10.

**Strike:** "MAKING" on line 7 through "SUBSTANCE;" on line 10

2. Page 1, line 23.

**Strike:** "(A)"

3. Page 2, line 1 through line 4.

**Strike:** subsection (B) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, A. Olson, Pattison, Peterson, Raser, Rice, Ripley, Ross, Ryan, Schrumpf, Smith, Steinbeisser, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 65

Noes: Barrett, Bitney, R. Brown, Buzzas, Dickenson, Fisher, Franklin, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Juneau, Lange, Laszloffy, Lawson, Lewis, Mendenhall, Newman, Noennig, B. Olson, Parker, Roberts, Rome, Sales, Shockley, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallus moved **SB 362**, second reading copy, be further amended as follows:

1. Page 2, line 8.

**Following:** "and"

**Insert:** "and"

2. Page 2, line 12 through line 14.

**Following:** "available;"

**Strike:** remainder of line 12 through "SUBSECTION (2)(B);" on line 14

3. Page 2, line 21.

**Following:** "and"

**Insert:** "and"

4. Page 2, line 22 through line 24.

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**Strike:** subsection (C) in its entirety

**Renumber:** subsequent subsection

5. Page 3, line 5 through line 7.

**Following:** "appropriate." on line 5

**Strike:** remainder of line 5 through line 7 in their entirety

6. Page 6, line 29 through line 30.

**Following:** "state" on line 29

**Strike:** remainder of line 29 through "45-5-624" on line 30

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Mendenhall, Pattison, Sales, Sinrud, Thomas.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 362**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.

Total 77

Noes: Barrett, Bergren, Callahan, Fisher, Forrester, Fuchs, Hurwitz, Jayne, Keane, Lambert, Lange, Lindeen, Matthews, McKenney, Musgrove, Newman, Parker, Rice, Ripley, Ryan, Windy Boy, Witt.

Total 22

Excused: None.

Total 0

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Absent or not voting: Gallus.  
Total 1

**SB 364** - Representative P. Clark moved **SB 364** be concurred in.

Representative P. Clark moved **SB 364**, second reading copy, be amended as follows:

1. Page 2, line 20.

**Strike:** "or allowing a child to be exposed to"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Bergren, R. Brown, Callahan, Cohenour, Forrester, Franklin, Gallik, Gillan, Golie, Hurwitz, Lange, Raser, Sales, Smith.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 364**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Wanzenried.

Total 1

Excused: None.

Total 0



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Absent or not voting: None.  
Total 0

**SB 366** - Representative Mendenhall moved **SB 366** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Erickson, Facey, Fritz, Gallik, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Musgrove, Noennig, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 30

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**SB 375** - Representative Brueggeman moved **SB 375** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Harris, Lambert, Lewis, Rice.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**SB 380** - Representative Lake moved **SB 380** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro,

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Gibson, Gillan, Gutsche, Hawk, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Balyeat, Barrett, Bookout-Reinicke, E. Clark, Cyr, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Golie, Haines, Harris, Hedges, Jayne, Jent, Lehman, Lewis, A. Olson, Pattison, Ripley, Roberts, Ross, Sales, Steinbeisser, Wagman, Waitschies, Weiss, Windy Boy.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 387** - Representative Matthews moved **SB 387** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Everett, Kasten, Lewis, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 400** - Representative Facey moved **SB 400** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

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Noes: Shockley.  
Total 1

Excused: None.  
Total 0

Absent or not voting: McKenney.  
Total 1

**SB 409** - Representative Lange moved **SB 409** be concurred in.

Representative Small-Eastman moved **SB 409**, second reading copy, be amended as follows:

1. Page 3, line 11.

**Strike:** "THIS SECTION"

**Insert:** "[sections 1 and 2], 77-1-121, and 77-3-301"

2. Page 3, line 12.

**Following:** "AGREEMENT"

**Insert:** "entered into on February 19, 2002,"

**Strike:** "THIS SECTION"

**Insert:** "[sections 1 and 2], 77-1-121, and 77-3-301"

3. Page 3.

**Following:** line 14

**Insert:** "(5) The department shall negotiate and enter into a memorandum of understanding with the Northern Cheyenne tribe that ensures that the department will meaningfully and effectively consult with the Northern Cheyenne tribe and provide necessary resources to the tribe in order for the tribe to be able to participate in an informed manner in the development of property interests acquired from the federal government in the Crown Butte land exchange.

(6) The department shall promptly notify the Northern Cheyenne tribe of any application or document submitted to the department or any proposal or management activity adopted by the department concerning a sale, exchange, right-of-way, easement, placement of an improvement, lease, license, or permit in connection with the property interests acquired from the federal government in the Crown Butte land exchange."

4. Page 5.

**Following:** line 5

**Insert:** "NEW SECTION. Section 7. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Renumber:** subsequent section

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

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Noes: Andersen, Balyeat, Barrett, Bitney, Branae, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Wagman moved for cloture. Motion carried.

Motion that **SB 409** be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Small-Eastman, Smith, Weiss, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Newman excused at this time.

**SB 363** - Representative Brueggeman moved **SB 363** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris,

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Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Weiss, Wilson, Windy Boy, Younkin.

Total 47

Voted Absentee: Newman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 295** - Representative Laszloffy moved **SB 295** be concurred in.

Representative Laszloffy moved consideration of **SB 295** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 270** - Representative Galvin-Halcro moved **SB 270** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Brueggeman, Erickson, Everett, Fisher, Kasten, Lewis, Malcolm, Mendenhall, Pattison, Rice, Sales, Shockley, Sinrud, Waitschies.

Total 15

Voted Absentee: Newman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 282** - Representative Laslovich moved **SB 282** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies,

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Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Fuchs, Hawk, Kasten, Sales.  
Total 6

Voted Absentee: Newman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 283** - Representative Shockley moved **SB 283** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Weiss.  
Total 1

Voted Absentee: Newman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 295** - Representative Laszloffy moved consideration of **SB 295** be placed at the top of the second reading board. Motion carried.

Representative Laszloffy moved **SB 295** be concurred in.

Representative Facey moved for cloture. Motion carried.

Motion that **SB 295** be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales,

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Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lindeen, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 52

Voted Absentee: Newman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 292** - Representative Bitney moved **SB 292** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Becker, Bixby, R. Brown, Callahan, Dickenson, Dowell, Erickson, Fisher, Gutsche, Jayne, Juneau, Kaufmann, Malcolm, Sales, Small-Eastman, Wanzenried, Weiss.  
Total 18

Voted Absentee: Newman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 306** - Representative Galvin-Halcro moved **SB 306** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice,

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Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Jackson, Sales, Stoker, Weiss.

Total 6

Voted Absentee: Newman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 307** - Representative Galvin-Halcro moved **SB 307** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Newman, Aye.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**SB 316** - Representative Bitney moved **SB 316** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98



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Noes: Weiss.  
Total 1

Voted Absentee: Newman, Aye.

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**SB 331** - Representative Franklin moved **SB 331** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 95

Noes: Balyeat, Fuchs, Sales.  
Total 3

Voted Absentee: Newman, Aye.

Excused: None.  
Total 0

Absent or not voting: Gillan, Mr. Speaker.  
Total 2

**SB 341** - Representative Bitney moved **SB 341** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Morgan, Weiss.  
Total 2

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Voted Absentee: Newman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Younkin moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted.

Representative Laszloffy made a **substitute motion** that **SB 295** be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, B. Olson, Parker, Raser, Ryan, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: Newman.

Total 1

Absent or not voting: Sinrud.

Total 1

Representative Gallik made a **substitute motion** that **SB 363** be segregated from the Committee of the Whole report. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lindeen, Musgrove, Noennig, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

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Excused: Newman.  
Total 1

Absent or not voting: Sinrud.  
Total 1

The remainder of the report was adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Excused: Newman.  
Total 1

Absent or not voting: Sinrud.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/3/2003  
Signed by the Speaker at 7:50 a.m., April 3, 2003: **HB 41, HB 160, HB 287, HB 306, HB 389, HB 417, HB 438, HB 479, HB 496, HB 507, HB 617, HB 684, HB 686, HB 693, HB 731.**  
Delivered to the Secretary of State at 1:28 p.m., April 3, 2003: **HB 306.**

**EDUCATION** (Andersen, Chairman): 4/3/2003  
**SB 424**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "~~RIDERSHIP~~;"

**Insert:** "REVISING THE SCHEDULE FOR STATE AND COUNTY TRANSPORTATION REIMBURSEMENT;  
ELIMINATING WEIGHTED RIDERSHIP;"

2. Title, page 1, line 9.

**Strike:** "AND"

3. Title, page 1, line 10.

**Following:** "~~20-10-141~~;"

**Insert:** "20-10-101, AND 20-10-141,"

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4. Page 6, line 21.

**Following:** line 20

**Insert: "Section 4.** Section 20-10-101, MCA, is amended to read:

**"20-10-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.

(4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that:

(i) complies with the bus standards established by the board of public education as verified by the department of justice's semiannual inspection of school buses and the superintendent of public instruction; and

(ii) is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation under this title;

(ii) privately owned and operated for reimbursement under 20-10-142;

(iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency situations; or

(iv) an over-the-road passenger coach used only to transport pupils to activity events.

(5) "Transportation" means:

(a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially designated bus stop and the school designated by the trustees for the pupil's attendance; or

(b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or guardian for the pupil's board and room, or providing supervised correspondence study or supervised home study.

(6) "Transportation service area" means the geographic area of responsibility for school bus transportation for each district that operates a school bus transportation program.

~~(7) "Weighted ridership" means the sum of the passenger points assigned to the eligible transportees who are transported on a bus route."~~

**Insert: "Section 5.** Section 20-10-141, MCA, is amended to read:

**"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage rates in subsection (2) for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven

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by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) (a) The rate per for each bus mile traveled must be determined in accordance with the following schedule ~~when the weighted ridership assigned to a bus route is not less than one-half of the rated capacity of the school bus:~~

~~(a)(i)~~ 85 95 cents per bus mile for a school bus with a rated capacity of not more than ~~45~~ 49 passenger seating positions;

(ii) \$1.15 for a school bus with a rated capacity of 50 to 59 passenger seating positions;

(iii) \$1.36 for a school bus with a rated capacity of 60 to 69 passenger seating positions;

(iv) \$1.57 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and

(v) \$1.80 for a school bus with 80 or more passenger seating positions.

~~(b) when the rated capacity is more than 45 passenger seating positions, an additional 2.13 cents per bus mile for each additional passenger seating position in the rated capacity in excess of 45 must be added to a base rate of 85 cents per bus mile~~ Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of 50 cents a mile.

~~(3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the maximum reimbursement rate determined under subsection (2):~~

~~(4) When the weighted ridership assigned to a bus route is less than one-half of the rated capacity of the school bus, the rate per bus mile traveled must be computed as follows:~~

~~(a) determine the weighted ridership assigned to the bus route;~~

~~(b) multiply the number determined in subsection (4)(a) by two; and~~

~~(c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus to determine the rate per bus mile traveled from the rate schedule in subsection (2):~~

~~(5)(3)~~ The rated capacity is the number of passenger seating positions of a school bus as determined under the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based on the rated capacity of the bus prior to modification.

~~(6)(4)~~ The number of pupils riding the school bus may not exceed the passenger seating positions of the bus.""  
**Renumber:** subsequent sections

5. Page 7, line 19.

**Following:** "or"

**Insert:** "one-half of"

And, as amended, be concurred in. Report adopted.

**SB 454**, be concurred in and be placed on the consent calendar. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):

4/3/2003

**SB 287**, be amended as follows:

1. Page 2, line 4.

**Following:** "must be"

**Strike:** "PERMANENTLY attached to"

**Insert:** "displayed on"

2. Page 2, line 15.

**Following:** "LAUNCHED"

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**Strike:** "OR"  
**Insert:** "and"

And, as amended, be concurred in. Report adopted.

**SB 392**, be amended as follows:

1. Title, line 7 through line 14.  
**Following:** "PLAN" on line 7  
**Strike:** remainder of line 7 through "CLARIFYING" on line 14  
**Insert:** ", "

2. Title, line 14.  
**Following:** "MANAGEMENT"  
**Strike:** "PLANS ARE"  
**Insert:** "PLAN IS"

3. Page 2, line 25 through 30.  
**Following:** "(c)" on line 25  
**Strike:** remainder of line 25 through "private." on line 30

4. Page 4, line 7 through line 12.  
**Following:** "(c)" on line 7  
**Strike:** remainder of line 7 through "private." on line 12

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**SB 381**, be amended as follows:

4/3/2003

1. Page 2, line 12.  
**Strike:** "5"  
**Insert:** "15"

2. Page 4, line 14.  
**Strike:** "5"  
**Insert:** "15"

And, as amended, be concurred in. Report adopted.

**SB 383**, be amended as follows:

1. Page 1, line 29.  
**Following:** "operation of"  
**Insert:** "irrigation"

2. Page 2, line 2.  
**Following:** "outside the"  
**Insert:** "irrigation"

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And, as amended, be concurred in. Report adopted.

**SB 386**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 28.

**Following:** "Applicability."

**Strike:** "[This"

**Insert:** "Subject to [section 3 of Senate Bill No. 386, 2003], [this"

3. Page 2.

**Following:** line 2

**Insert:** "NEW SECTION. Section 3. Applicability. Section 17, Chapter 293, Laws of 2001, and [section 1 of this act] do not apply to reclamation bonds for pipelines and associated facilities held by the board of environmental review or the department of environmental quality until October 30, 2004."

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 42**, introduced by Lindeen, A. Olson, referred to Natural Resources.

**MOTIONS**

Representative R. Brown moved **SB 218** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Raser moved **SB 223** be taken from the Committee on Judiciary and be placed on second reading Legislative Day 72.

Representative Gallus moved previous question. Motion carried.

Motion that **SB 223** be taken from committee and placed on second reading **failed** as follows:

Ayes: Becker, Bergren, Bookout-Reinicke, Brueggeman, Callahan, Carney, Dowell, Erickson, Forrester, Fritz, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Kaufmann, Lake, Lambert, Lange, Lewis, Lindeen, Maedje, Morgan, Musgrove, A. Olson, B. Olson, Raser, Roberts, Ross, Shockley, Small-Eastman, Smith, Waitschies, Wilson, Windy Boy, Mr. Speaker.

Total 38

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Malcolm, Matthews, McKenney, Mendenhall, Noennig, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ryan,

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Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin.  
Total 58

Excused: Newman.  
Total 1

Absent or not voting: Fuchs, Sales, Sinrud.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Friday, April 4, 2003. Motion carried.

House adjourned at 5:57 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 4, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Lake. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Windy Boy, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/4/2003  
Correctly printed: **SB 429, SB 454.**  
Correctly engrossed: **HR 4, SB 287, SB 381, SB 383, SB 386, SB 392, SB 424, SB 428.**  
Delivered to the Governor for approval at 7:20 a.m., April 4, 2003: **HB 41, HB 160, HB 287, HB 389, HB 417, HB 438, HB 479, HB 496, HB 507, HB 617, HB 684, HB 686, HB 693, HB 731.**

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/3/2003

**SB 155**, introduced by Taylor  
**SB 407**, introduced by DePratu  
**SB 446**, introduced by Barkus  
**SB 461**, introduced by Story  
**SB 463**, introduced by Black  
**SB 473**, introduced by Elliott  
**SB 474**, introduced by F. Thomas  
**SB 475**, introduced by Esp  
**SB 476**, introduced by Stonington  
**SB 481**, introduced by Black  
**SB 484**, introduced by Mangan  
**SB 487**, introduced by Pease

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

**HB 642**, introduced by Devlin

4/4/2003

**MESSAGES FROM THE GOVERNOR**

April 3, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

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Please be informed that I have signed **House Bill 122** sponsored by Representative Forrester, **House Bill 165** sponsored by Representative Lake, **House Bill 262** sponsored by Representative Fuchs et al., **House Bill 284** sponsored by Representative Gillan et al., **House Bill 333** sponsored by Representative Waitschies, **House Bill 350** sponsored by Representative Cohenour, **House Bill 420** sponsored by Representative Lake et al., **House Bill 443** sponsored by Representative Lange et al., **House Bill 467** sponsored by Representative Barrett et al., **House Bill 548** sponsored by Representative Jent, **House Bill 583** sponsored by Representative R. Brown, and **House Bill 639** sponsored by Representative Laslovich on April 3, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 155**, introduced by Taylor (by request of the Department of Revenue), referred to Taxation.

**SB 407**, introduced by DePratu, referred to Taxation.

**SB 446**, introduced by Barkus, Brueggeman, Cooney, Laible, Lindeen, Sinrud (by request of House Joint Appropriations Subcommittee on General Government and Transportation), referred to Natural Resources.

**SB 461**, introduced by Story, Brueggeman, Stonington, referred to Taxation.

**SB 463**, introduced by Black, DePratu, F. Thomas, referred to Taxation.

**SB 473**, introduced by Elliott, Roberts, referred to Taxation.

**SB 474**, introduced by F. Thomas, R. Brown, Brueggeman, Cocchiarella, Forrester, Gallus, Gillan, Golie, Keane, Keenan, Laszloffy, Mangan, McCarthy, Mood, Nelson, Pease, Roush, D. Ryan, Shea, Squires, Stapleton, referred to Taxation.

**SB 475**, introduced by Esp, Story, referred to Taxation.

**SB 476**, introduced by Stonington, E. Clark (by request of House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

**SB 481**, introduced by Black (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Taxation.

**SB 484**, introduced by Mangan, referred to Taxation.

**SB 487**, introduced by Pease, Keenan, referred to Taxation.

Majority Leader Brown moved that the House recess until 8:40 a.m. for caucuses. Motion carried.

House recessed at 8:08 a.m.

Representative Windy Boy present at this time.

House reconvened at 8:40 a.m. All members present. Quorum present.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 232** concurred in as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Balyeat, Bixby, D. Brown, R. Brown, Buzzas, Cohenour, Erickson, Everett, Fritz, Gallik, Gibson, Gutsche, Harris, Hawk, Jacobson, Jent, Kaufmann, Sales, Sinrud, Small-Eastman, Wagman, Windy Boy.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 244** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Balyeat, Bixby, Callahan, Cohenour, Cyr, Dickenson, Dowell, Forrester, Franklin, Gallik, Galvin-Halcro, Golie, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Sales, Small-Eastman, Smith, Waitschies, Weiss, Wilson.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 434**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried,

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Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Becker, Cohenour, Franklin, Gallik, Gallus, Jayne, Weiss, Wilson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 11**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, R. Brown, Everett, Fuchs, Laslovich, Laszloffy, Malcolm, Mendenhall, Ripley, Rome, Sales, Shockley, Sinrud.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 18**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 35** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 77** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 88

Noes: Balyeat, Everett, Fuchs, Galvin-Halcro, Hedges, Laszloffy, Lewis, Maedje, Sales, Shockley, Sinrud, Mr. Speaker.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 95** concurred in as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Bookout-Reinicke, Fisher, Franklin, Lawson, Sales, Weiss.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 111** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Sales, Sinrud.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 168** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

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Total 87

Noes: Hedges, Kasten, Laszloffy, Lawson, Maedje, Pattison, Raser, Ripley, Sinrud, Steinbeisser, Waitschies, Witt, Mr. Speaker.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 191** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas, Franklin, Kaufmann.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 194** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 217** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Balyeat, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lewis, Mendenhall, Pattison, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Weiss.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 247** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dowell, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: P. Clark, Cyr, Dickenson, Erickson, Fisher, Gallik, Haines, Hawk, Jayne, Kaufmann, Keane, Laszloffy, Lawson, Newman, Wanzenried, Weiss.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 263** concurred in as follows:



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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Jayne, Laszloffy, Rice, Sales, Weiss.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 270** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Barrett, Bookout-Reinicke, D. Brown, Everett, Hurwitz, Kasten, Laszloffy, Lewis, Mendenhall, Pattison, Rice, Sales, Sinrud, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 274** (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dowell, Everett, Fuchs, Haines, Hawk, Hedges, Jackson, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 275** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Franklin, Gallik, Galvin-Halcro, Kaufmann, Lambert, Weiss, Windy Boy.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 282** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 89

Noes: Balyeat, Everett, Hawk, Jackson, Kasten, Lake, Laszloffy, Mendenhall, Sales, Sinrud, Mr. Speaker.

Total 11

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 283** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**SB 288** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Dickenson, Franklin, Galvin-Halcro, Golie, Thomas, Weiss.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 292** concurred in as follows:

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Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Balyeat, Becker, Bixby, R. Brown, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Fuchs, Gallik, Gutsche, Jayne, Juneau, Kaufmann, Malcolm, Newman, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 306** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Jayne, Sales, Sinrud, Weiss.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 307** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 315** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Buzzas, Facey, Gallus, Hawk, Lake, Ryan, Sales, Wilson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 316** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Franklin, Weiss, Windy Boy.  
Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 321** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 68

Noes: Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurwitz, Juneau, Kaufmann, Keane, Lindeen, Newman, A. Olson, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 325** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Callahan, P. Clark, Franklin, Gallus, Galvin-Halcro, Juneau, Lindeen, Weiss, Windy Boy.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 326** concurred in as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Juneau, Kaufmann, Keane, Laslovich, Lawson, Malcolm, Newman, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 329** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 331** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried,

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Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Fuchs, Gallus, Mendenhall, Sales.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 334** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, P. Clark, Gutsche, Kasten, Laszloffy, Sales, Shockley, Sinrud, Stoker, Weiss.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 341** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Bixby, Weiss.  
Total 2

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

**SB 344** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Buzzas, Franklin, Harris.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 348** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 349** concurred in as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Gallus, Golie, Jayne, Keane, Smith, Weiss, Windy Boy.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 363** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Mr. Speaker.

Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ross, Ryan, Shockley, Small-Eastman, Smith, Weiss, Wilson, Windy Boy, Younkin.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 366** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 64

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Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Musgrove, Noennig, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.

Total 84

Noes: Balyeat, Barrett, Bitney, Facey, Fisher, Fuchs, Harris, Hedges, Jackson, Lambert, Laszloffy, Lewis, Maedje, Rice, Weiss, Mr. Speaker.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 380** concurred in as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wilson, Younkin, Mr. Speaker.

Total 70

Noes: Andersen, Bookout-Reinicke, E. Clark, Cyr, Erickson, Everett, Fisher, Forrester, Fuchs, Golie, Harris, Hedges, Jayne, Jent, Keane, Lehman, Lewis, Newman, Pattison, Ripley, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Wanzenried, Weiss, Windy Boy, Witt.

Total 30

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 387** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Lewis, Sales, Sinrud, Weiss.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 400** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 94

Noes: Gallus, Lake, Roberts, Shockley, Weiss, Witt.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 409** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz,

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Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Musgrove, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 449** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, Barrett, Bitney, Everett, Fisher, Jackson, Laszloffy, Lawson, Lewis, Maedje, Malcolm, Mendenhall, Rice, Ripley, Sales, Sinrud, Windy Boy.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 295** - Representative Laszloffy moved **SB 295** be concurred in. Motion **failed** as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ryan, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 46** - Representative R. Brown moved consideration of **SB 46** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 62** - Representative Jent moved **SB 62** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Kasten, Lewis, Pattison, Sales, Sinrud.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 209** - Representative Pattison moved **SB 209** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dowell, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley,

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Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Newman, Parker, Raser, Wanzenried, Weiss, Wilson, Windy Boy.

Total 33

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**SB 239** - Representative Jent moved **SB 239** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Andersen, Balyeat, R. Brown, Brueggeman, E. Clark, Everett, Fuchs, Hawk, Kasten, Lake, Lawson, Lewis, Malcolm, Morgan, Pattison, Roberts, Rome, Sales, Sinrud, Waitschies.

Total 20

Excused: None.

Total 0

Absent or not voting: Wanzenried, Windy Boy.

Total 2

**SB 246** - Representative Noennig moved **SB 246** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**SB 284** - Representative Carney moved **SB 284** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Hawk, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Small-Eastman, Wanzenried.

Total 3

**SB 308** - Representative Laszloffy moved **SB 308** be concurred in.

Representative Laszloffy moved **SB 308**, second reading copy, be amended as follows:

1. Title, line 6.

**Strike:** "SURVEYS OR POLITICAL" on line 6

**Following:** "CAMPAIGNING"

**Insert:** "OR SOLICITATION"

2. Page 10, line 1 through line 4.

**Strike:** subsection (1) in its entirety

3. Page 10, line 5.

**Strike:** "(2)"

4. Page 10, line 9.

**Strike:** "(3)"

**Following:** "violates"

**Strike:** "a" through "(2)"

**Insert:** "this section"



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Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Keane, Wanzenried.  
Total 2

Motion that **SB 308**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Haines, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 57

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dowell, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lewis, Lindeen, Musgrove, Newman, Peterson, Raser, Ryan, Sales, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**SB 395** - Representative R. Brown moved consideration of **SB 395** be placed at the top of the second reading board.  
Motion carried.

**SB 395** - Representative Wagman moved **SB 395** be concurred in.

Representative Carney moved **SB 395**, second reading copy, be amended as follows:

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1. Title, line 9.

**Strike:** "SPORT HUNTING"

**Insert:** "SLAUGHTER"

2. Page 1, line 26.

**Following:** "public"

**Strike:** "hunting"

**Insert:** "slaughter"

3. Page 1, line 29.

**Following:** "licenses to"

**Strike:** "hunt"

**Insert:** "slaughter"

4. Page 2, line 5.

**Following:** "may"

**Strike:** "hunt"

**Insert:** "slaughter"

5. Page 2, line 12.

**Following:** "public"

**Strike:** "hunting"

**Insert:** "slaughter"

6. Page 2, line 27.

**Following:** "public"

**Strike:** "hunts"

**Insert:** "slaughter"

7. Page 4, line 8.

**Following:** "public"

**Strike:** "hunting"

**Insert:** "slaughter"

8. Page 4, line 18.

**Following:** "public"

**Strike:** "hunting"

**Insert:** "slaughter"

9. Page 5, line 3.

**Following:** "public"

**Strike:** "hunting"

**Insert:** "slaughter"

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik,

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Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 31

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Cyr, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative P. Clark moved **SB 395**, second reading copy, be amended as follows:

1. Page 2, line 5.

**Following:** "hunt"

**Insert:** ", but notification may not include information regarding the actual physical location of a wild buffalo or bison other than the prescribed hunting district where the animal may be taken"

2. Page 2, line 6.

**Strike:** "(d) fair chase hunting of wild buffalo or bison, including requirements that hunting be conducted on foot and away from public roads and that there be no designation of specific wild buffalo or bison to be hunted;"

**Renumber:** subsequent subsections

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Brueggeman, E. Clark, Devlin, Juneau, Pattison, Rice.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 395** - Representative P. Clark moved **SB 395**, second reading copy, be amended as follows:

1. Title, line 10.

**Following:** "BISON"

**Insert:** "BY RESIDENTS"

2. Page 1, line 29.

**Following:** "licenses"

**Insert:** "to residents"

3. Page 5, line 17.

**Following:** "resident."

**Strike:** "\$100; nonresident, \$1,000"

**Insert:** "\$200"

4. Page 6, line 3.

**Following:** "resident."

**Strike:** "\$100; nonresident, \$1,000"

**Insert:** "\$200"

Amendment adopted as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lenhart, Lewis, Maedje, Matthews, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Roberts, Ryan, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 58

Noes: Andersen, Barrett, Bitney, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Gallik, Gutsche, Harris, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Laszloffy, Lawson, Lehman, Lindeen, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Schruppf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Younkin moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,

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Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Buzzas, P. Clark, Cyr, Dickenson, Dowell, Gibson, Gutsche, Juneau, Kaufmann, Musgrove, Newman, Shockley, Smith, Wanzenried, Windy Boy.

Total 16

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Small-Eastman.

Total 2

Motion that **SB 395**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 61

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 330** - Representative A. Olson moved **SB 330** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Callahan, Cohenour, Facey, Gallik, Jayne, Kaufmann, Lewis, Sales, Small-Eastman, Weiss.

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Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 340** - Representative Devlin moved **SB 340** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Callahan, Jayne, Lawson, Weiss.

Total 4

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro, Gillan.

Total 2

**SB 370** - Representative Forrester moved **SB 370** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Buzzas, Cohenour, Everett, Facey, Franklin, Gallik, Gutsche, Harris, Jayne, Kaufmann, Parker, Wilson.

Total 12

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

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**SB 381** - Representative Fisher moved **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Buzzas, Franklin, Gallik, Gallus, Jayne, Malcolm, Weiss.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 383** - Representative Younkin moved **SB 383** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Buzzas, Cyr, Franklin, Jayne, Juneau, Kaufmann, Small-Eastman, Weiss.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 386** - Representative Lange moved **SB 386** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 389** - Representative Brueggeman moved **SB 389** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gibson, Golie, Haines, Harris, Hawk, Hedges, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Balyeat, Becker, Bixby, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Lenhart, Lewis, Musgrove, Noennig, Ripley, Sales, Small-Eastman, Wanzenried, Weiss, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**SB 392** - Representative Wagman moved **SB 392** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44



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Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

**SB 393** - Representative Carney moved **SB 393** be concurred in. Motion **failed** as follows:

Ayes: Carney, Facey, Haines, Smith, Windy Boy.  
Total 5

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 94

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**SB 402** - Representative Younkin moved **SB 402** be concurred in.

Representative Noennig moved **SB 402**, second reading copy, be amended as follows:

1. Page 3, line 21.

**Following:** "BROKER"

**Insert:** "for more than four mortgage loans in a calendar year"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Hawk, Sales, Windy Boy.  
Total 4

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Excused: None.  
Total 0

Absent or not voting: Ross.  
Total 1

Motion that **SB 402**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Golie, Hawk, Juneau, McKenney, Sales, Sinrud, Windy Boy.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**SB 428** - Representative Wagman moved **SB 428** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 429** - Representative Wagman moved **SB 429** be concurred in. Motion carried as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432** - Representative Gallik moved **SB 432** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Windy Boy.

Total 1

Excused: None.

Total 0

Absent or not voting: Haines, Noennig, Shockley.

Total 3

**SB 442** - Representative Haines moved **SB 442** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 62

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Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Cyr, Devlin, Everett, Franklin, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 444** - Representative Dowell moved **SB 444** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**SB 450** - Representative McKenney moved **SB 450** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 63

Noes: Ballantyne, Becker, Bixby, Branae, D. Brown, Buzzas, Callahan, P. Clark, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Malcolm, Musgrove, Parker, Raser, Small-Eastman, Weiss, Wilson, Windy Boy.  
Total 35

Excused: None.  
Total 0

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Absent or not voting: Gillan, Mendenhall.  
Total 2

**SJR 2** - Representative Fritz moved **SJR 2** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Wilson, Witt.  
Total 72

Noes: Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Everett, Jent, Lake, Lambert, Laszloffy, Lehman, McKenney, Pattison, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Weiss, Windy Boy, Mr. Speaker.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Hawk, Mendenhall, Ryan, Younkin.  
Total 4

**SJR 4** - Representative P. Clark moved **SJR 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Bergren, Buzzas, Callahan, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Kaufmann, Sales, Weiss.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Ryan.  
Total 1

**SJR 7** - Representative Maedje moved **SJR 7** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman,

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Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Balyeat, Bergren, Bixby, Buzzas, Callahan, Cyr, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Parker, Sales, Weiss, Windy Boy.

Total 24

Excused: None.

Total 0

Absent or not voting: Ryan.

Total 1

**SJR 8** - Representative Lenhart moved **SJR 8** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin.

Total 83

Noes: Balyeat, E. Clark, Devlin, Everett, Jackson, A. Olson, Pattison, Sales, Sinrud, Thomas, Waitschies, Weiss.

Total 12

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman, Franklin, Lehman, Mr. Speaker.

Total 5

**SJR 15** - Representative Hedges moved **SJR 15** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bitney, Bixby, Branae, D. Brown, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, Bergren, R. Brown, Callahan, Haines, Hawk, Lake, Lindeen, Mendenhall, Morgan, Rice, Ripley, Rome, Sales, Sinrud, Stoker, Weiss, Younkin.

Total 19

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Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman, Golie, Lehman.  
Total 4

**SJR 16** - Representative Fuchs moved **SJR 16** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Branae, D. Brown, R. Brown, Carney, E. Clark, Cohenour, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 72

Noes: Bergren, Bixby, Buzzas, Callahan, P. Clark, Cyr, Dowell, Erickson, Facey, Fritz, Gallik, Gutsche, Harris, Jayne, Juneau, Kaufmann, Lindeen, Malcolm, Musgrove, Newman, Parker, Sales, Small-Eastman, Wanzienried, Weiss, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Brueggeman.  
Total 2

**SJR 22** - Representative Laszloffy moved **SJR 22** be concurred in.

Representative P. Clark moved **SJR 22**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "SHOWING"

**Insert:** "CONDITIONAL"

2. Title, line 8.

**Strike:** "EXPRESSING"

**Insert:** "PRIORITIZING"

3. Page 3, line 5.

**Following:** "leasing, and"

**Insert:** ", subject to prioritizing those efforts described in subsection (2),"

4. Page 3, line 10.

**Following:** "biofuels"

**Insert:** "(including biodiesel and ethanol)"

5. Page 3, line 12.

**Following:** "development"

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**Insert:** "and use of fuel efficient vehicles and development"

Amendment adopted as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Waitschies, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 64

Noes: Andersen, Barrett, Bitney, Brueggeman, Devlin, Everett, Gillan, Gutsche, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Lehman, Maedje, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wilson, Witt.

Total 34

Excused: None.

Total 0

Absent or not voting: Hedges, Wanzenried.

Total 2

Motion that **SJR 22**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 23** - Representative Lange moved **SJR 23** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison,



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Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**SJR 26** - Representative A. Olson moved **SJR 26** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Fuchs, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Becker, Bergren, Buzzas, Callahan, Carney, Cyr, Erickson, Everett, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Kaufmann, Keane, Lindeen, Mendenhall, Newman, Sales, Small-Eastman, Weiss, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**SJR 27** - Representative Hurwitz moved **SJR 27** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

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Noes: Bergren, Callahan, Everett, Jayne, Jent, Sales, Weiss.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Franklin, Keane.  
Total 2

**SB 46** - Representative A. Olson moved **SB 46** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 72

Noes: Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Buzzas, Everett, Franklin, Fuchs, Gallus, Hawk, Juneau, Laslovich, Laszloffy, Lewis, Matthews, McKenney, Mendenhall, Morgan, Pattison, Roberts, Rome, Sales, Sinrud, Stoker, Younkin, Mr. Speaker.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 252** - Representative Younkin moved **SB 252** be concurred in.

Representative B. Olson moved **SB 252**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

**Following:** ":",

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 3.

**Following:** line 24

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2006."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall,

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Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 61

Noes: Barrett, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Malcolm, Morgan, Rice, Ripley, Ryan, Small-Eastman, Wanzenried, Weiss, Wilson.  
Total 37

Excused: None.

Total 0

Absent or not voting: Keane, A. Olson.

Total 2

Motion that **SB 252**, as amended, be concurred in carried as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Matthews, McKenney, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Witt, Younkin.  
Total 63

Noes: Andersen, Ballantyne, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Franklin, Hawk, Kasten, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Pattison, Rice, Rome, Sales, Sinrud, Steinbeisser, Thomas, Wagman, Waitschies, Windy Boy, Mr. Speaker.  
Total 36

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 64

Noes: Balyeat, Becker, Bixby, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Franklin, Gallik, Galvin-Halcro,

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Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: Gillan, Keane.

Total 2

**MOTIONS**

Representative Gallus moved to reconsider action on **SB 363** taken on third reading today.

Mr. Speaker explained that the bill had already been transmitted to the Senate and that the motion to reconsider was not in order.

Representative Gallus questioned the ruling of the chair.

Mr. Speaker called for a meeting of the Rules Committee.

The Rules Committee upheld the ruling of the Speaker. The Speaker asked Representative Gallus if he would like to make a different motion.

Representative Gallus moved to recall **SB 363** from the Senate and bring it back to the House. Motion carried as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 50

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr.

Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: Bergren, Pattison.

Total 2

Representative Dowell moved to suspend the rules for the purpose of having **SB 363** placed on third reading on today's calendar and also for the purpose of engrossing in hopes of meeting the Legislative Day 73 deadline.

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Representative Dowell withdrew his motion.

Representative R. Brown moved **SB 239** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Speaker Mood asked the House to stand at ease until 3:25 p.m.

House stood at ease at 3:17 p.m.

Mr. Speaker called the House to order at 3:43 p.m.

The Speaker explained that the House was waiting for the Senate's reply to the letter regarding **SB 363** and that the most efficient procedure would be to adjourn and finish business tomorrow, Legislative Day 73.

**ANNOUNCEMENTS**

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, April 5, 2003. Motion carried.

House adjourned at 3:48 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 5, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Everett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, Buzzas, and Gillan, excused. Quorum present.

**MESSAGES FROM THE GOVERNOR**

April 4, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 557** sponsored by Representative Andersen and **House Bill 700** sponsored by Representative Brueggeman et al. on April 4, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 43**, introduced by Windy Boy, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cooney, Cyr, Dickenson, Dowell, Ellingson, Elliott, Facey, Franklin, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Hansen, Harris, Hedges, Jacobson, Jayne, Juneau, Kitzenberg, Lambert, Lange, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Small-Eastman, Tester, Toole, Wanzenried, Weiss, referred to Natural Resources.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 46** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bookout-Reinicke, Branae, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lindeen, Maedje, Malcolm, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith,

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Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 72

Noes: Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Franklin, Gallus, Hawk, Juneau, Laslovich, Laszloffy, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Morgan, Rome, Sales, Sinrud, Younkin, Mr. Speaker.  
Total 24

Excused: Bixby, Buzzas, Gillan.  
Total 3

Absent or not voting: Keane.  
Total 1

**SB 62** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Kasten, Lewis, Sales, Sinrud.  
Total 4

Excused: Bixby, Buzzas, Gillan.  
Total 3

Absent or not voting: Keane.  
Total 1

Representative Buzzas present at this time.

**SB 130** concurred in as follows:

Ayes: Ballantyne, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Gallus, Gibson, Golie, Haines, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrupf, Shockley, Sinrud, Stoker, Thomas, Wagman, Wilson, Younkin, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, P. Clark, Cohenour, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Harris, Hawk, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Rice, Ripley, Rome, Sales, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Weiss, Windy Boy, Witt.

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Total 35

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 209** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Becker, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Newman, Parker, Raser, Wanzenried, Weiss, Wilson, Windy Boy.

Total 31

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 246** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Erickson, Franklin, Gallus, Gutsche.

Total 4

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0



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**SB 252** concurred in as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Matthews, Noennig, B. Olson, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 51

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Kasten, Keane, Lake, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 47

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 284** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Hawk.

Total 2

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 304** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome,

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Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Becker, Branae, D. Brown, P. Clark, Cohenour, Dickenson, Fuchs, Gallik, Gibson, Gutsche, Harris, Jacobson, Juneau, Laslovich, Lawson, Shockley, Small-Eastman, Smith.

Total 18

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 308** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 47

Noes: Ballantyne, Becker, Bergren, Bitney, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, A. Olson, Parker, Raser, Rice, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 51

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 308 failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Balyeat, Callahan, Cohenour, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Jacobson, Jayne, Jent, Kaufmann, Lewis, Pattison, Sales, Shockley, Sinrud, Wanzenried, Weiss, Windy Boy.

Total 22

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Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 337** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Buzzas, Callahan, P. Clark, Cohenour, Cyr, Erickson, Facey, Gallik, Gallus, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Newman, Stoker, Thomas, Wanzenried, Weiss.  
Total 24

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 340** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Buzzas, Callahan, Franklin, Lawson, Lindeen, Weiss.  
Total 6

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

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**SB 347** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Buzzas, Rice.

Total 2

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 360** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hawk, Jackson, Jacobson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Hedges, Hurwitz, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 38

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 362** concurred in as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Roberts, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies,

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Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Andersen, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Jayne, Keane, Lambert, Laszloffy, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Rice, Ripley, Rome, Ryan, Small-Eastman, Windy Boy.  
Total 29

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 364** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 370** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Erickson, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 71

Noes: Bergren, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Everett, Facey, Franklin, Gallik, Gallus, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Lindeen, Matthews, Musgrove, Parker, Ryan, Small-Eastman, Smith, Wilson, Windy Boy.  
Total 27

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Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 381** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Franklin, Gallik, Jent, Malcolm, Smith, Weiss.  
Total 6

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 383** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Buzzas, Cyr, Dowell, Franklin, Gallus, Jayne, Jent, Juneau, Lindeen, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 14

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

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**SB 386** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 389** concurred in as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gibson, Haines, Hawk, Hedges, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 61

Noes: Ballantyne, Balyeat, Becker, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Franklin, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lewis, Lindeen, Musgrove, Noennig, Parker, Raser, Ripley, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 392** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 54

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 395** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Becker, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 35

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 402** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Everett, Golie, Hawk, McKenney, Mendenhall, Sales, Sinrud, Wilson, Windy Boy.

Total 10



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Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 406** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, Franklin, Lindeen, Wanzenried, Weiss.  
Total 5

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SB 428, a Constitutional Amendment, requiring 2/3 of the entire legislature, failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

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**SB 429** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 432** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 442** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Branae, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Lawson, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Schrumpf, Shockley, Small-Eastman, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Mr. Speaker.

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Total 52

Noes: Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Cyr, Devlin, Everett, Fisher, Franklin, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lambert, Laslovich, Laszloffy, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Sinrud, Smith, Steinbeisser, Waitschies, Wilson, Witt, Younkin.

Total 46

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 444** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SB 450** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Ballantyne, Becker, Branae, Buzzas, Callahan, P. Clark, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Malcolm, Musgrove, Parker, Raser, Sales, Shockley, Small-Eastman, Weiss.

Total 32

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Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 2** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 72

Noes: Balyeat, Barrett, R. Brown, Brueggeman, Everett, Hawk, Jackson, Jayne, Jent, Kasten, Lambert, Laszloffy, Maedje, Mendenhall, Pattison, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Thomas, Wagman, Waitschies, Weiss.  
Total 26

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 4** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Bergren, Buzzas, Callahan, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Kaufmann, Small-Eastman, Smith, Weiss, Wilson, Windy Boy.  
Total 16

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

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**SJR 7** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Bergren, Callahan, Cyr, Erickson, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Ryan, Weiss, Windy Boy.

Total 20

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SJR 8** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.

Total 88

Noes: D. Brown, E. Clark, Hedges, Jayne, Jent, Sales, Sinrud, Thomas, Weiss, Mr. Speaker.

Total 10

Excused: Bixby, Gillan.

Total 2

Absent or not voting: None.

Total 0

**SJR 15** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Branae, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hedges, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman,

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Waitschies, Wanzenried, Wilson, Windy Boy, Witt.  
Total 67

Noes: Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Everett, Fisher, Haines, Hawk, Hurwitz, Jackson, Jayne, Jent, Lake, Lawson, Lindeen, Maedje, Mendenhall, Morgan, Rice, Ripley, Rome, Sales, Sinrud, Weiss, Younkin, Mr. Speaker.  
Total 31

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 16** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 70

Noes: Ballantyne, Bergren, Callahan, P. Clark, Cyr, Dowell, Erickson, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Sales, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 28

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 22** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 5, 2003

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 23** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 26** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Facey, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 73

Noes: Balyeat, Bergren, Callahan, Cyr, Dowell, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Jayne, Jent, Kaufmann, Keane, Lindeen, Newman, Sales, Weiss, Wilson, Windy Boy.  
Total 25

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - APRIL 5, 2003

**SJR 27** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Bergren, Brueggeman, Callahan, Cyr, Everett, Gallus, Jayne, Jent, Newman, Pattison, Sales, Waitschies, Weiss.  
Total 13

Excused: Bixby, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The Speaker led the House in singing Happy Birthday to Representative Barrett.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Monday, April 7, 2003. Motion carried.

House adjourned at 8:35 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 7, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Golie. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Facey, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Allysha Cohenour, East Helena  
Elliot Cross, Glendive  
Jesse Everson, Billings  
Bryce DeGroot, Manhattan  
Colton Gill, Lewistown  
Phillip Nielsen, Billings  
Alexis Sandru, Twin Bridges  
Ryan Wages, Great Falls

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

4/5/2003

**HB 6**, introduced by Witt  
**HB 8**, introduced by Witt  
**HB 195**, introduced by Younkin  
**HB 419**, introduced by Laszloffy  
**HB 431**, introduced by Lawson  
**HB 494**, introduced by Wilson  
**HB 501**, introduced by Noennig  
**HB 546**, introduced by Wagman  
**HB 579**, introduced by Shockley  
**HB 591**, introduced by Fuchs  
**HB 678**, introduced by Lindeen

**House joint resolution** concurred in and returned to the House:

4/5/2003

**HJR 26**, introduced by Younkin

**House bills** concurred in and returned to the House:

4/4/2003

**HB 186**, introduced by Matthews  
**HB 205**, introduced by Franklin  
**HB 230**, introduced by Erickson  
**HB 293**, introduced by Smith  
**HB 384**, introduced by McKenney  
**HB 445**, introduced by Pattison

**HB 456**, introduced by Parker  
**HB 474**, introduced by Weiss  
**HB 482**, introduced by Forrester  
**HB 524**, introduced by Mendenhall  
**HB 555**, introduced by Bitney  
**HB 580**, introduced by Bitney  
**HB 637**, introduced by Raser

**House joint resolution** concurred in and returned to the House:

4/4/2003

**HJR 12**, introduced by Fuchs

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/5/2003

**HB 105**, introduced by B. Olson  
**HB 107**, introduced by A. Olson  
**HB 141**, introduced by Lange  
**HB 203**, introduced by A. Olson  
**HB 213**, introduced by Gallik  
**HB 247**, introduced by Harris  
**HB 256**, introduced by Shockley  
**HB 266**, introduced by Jacobson  
**HB 270**, introduced by Bergren  
**HB 358**, introduced by Lange  
**HB 404**, introduced by D. Brown  
**HB 410**, introduced by Younkin  
**HB 424**, introduced by Jent  
**HB 451**, introduced by E. Clark  
**HB 468**, introduced by Gillan  
**HB 509**, introduced by A. Olson  
**HB 538**, introduced by Rome  
**HB 540**, introduced by Gallik  
**HB 553**, introduced by Gallik  
**HB 556**, introduced by Gallik  
**HB 577**, introduced by Brueggeman  
**HB 588**, introduced by Matthews  
**HB 609**, introduced by Windy Boy  
**HB 640**, introduced by Haines  
**HB 641**, introduced by Haines  
**HB 648**, introduced by Younkin  
**HB 667**, introduced by Harris  
**HB 669**, introduced by Younkin  
**HB 676**, introduced by Lindeen  
**HB 677**, introduced by Lindeen  
**HB 680**, introduced by Noennig  
**HB 689**, introduced by A. Olson  
**HB 698**, introduced by Gillan  
**HB 720**, introduced by Hurwitz  
**HB 733**, introduced by Schrumpf  
**HB 734**, introduced by Lawson

**House joint resolutions** concurred in as amended and returned to the House for concurrence in Senate amendments:  
4/5/2003

**HJR 29**, introduced by Gallus  
**HJR 31**, introduced by Facey  
**HJR 32**, introduced by Haines

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:  
4/4/2003

**HB 90**, introduced by E. Clark  
**HB 130**, introduced by Lewis  
**HB 223**, introduced by Lawson  
**HB 253**, introduced by Hedges  
**HB 259**, introduced by Maedje  
**HB 304**, introduced by A. Olson  
**HB 385**, introduced by Fritz  
**HB 396**, introduced by Gibson  
**HB 484**, introduced by R. Brown  
**HB 512**, introduced by Sinrud  
**HB 517**, introduced by Wilson  
**HB 525**, introduced by Keane  
**HB 536**, introduced by Brueggeman  
**HB 537**, introduced by Lawson  
**HB 545**, introduced by Haines  
**HB 563**, introduced by Laszloffy

#### MESSAGES FROM THE GOVERNOR

April 4, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 63** sponsored by Representative Kasten, **House Bill 319** sponsored by Representative Lawson, **House Bill 340** sponsored by Representative Andersen, and **House Bill 627** sponsored by Representative Lindeen on April 4, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House adjourned at 1:11 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Facey and Windy Boy, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 17 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 17** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 20 - Senate Amendments** - Representative Golie moved Senate amendments to **HB 20** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 96

Noes: Ripley, Ross, Smith, Witt.

Total 4

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**HB 50 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 50** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker, Waitschies.

Total 2

**HB 54 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 54** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 67 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 67** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, R. Brown, Everett, Fuchs, Gillan, Jayne, Lambert, Rice, Rome, Sales, Sinrud, Waitschies, Witt.

Total 13

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 76 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 76** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 98 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 98** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Laszloffy, Younkin.

Total 2

**HB 104 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 104** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Brown, Fritz.  
Total 2

**HB 110 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 110** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 123 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 123** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Buzzas, Erickson, Juneau, Kaufmann, Malcolm, Wanzenried.



Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 127 - Senate Amendments** - Representative Fritz moved Senate amendments to **HB 127** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Gallik.

Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 134 - Senate Amendments** - Representative Weiss moved Senate amendments to **HB 134** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Bixby, Juneau.

Total 2

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Hurwitz, Laszloffy.  
Total 3

**HB 145 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 145** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**HB 155 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 155** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

Total 0

**HB 157 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 157** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Maedje, Malcolm, Pattison, Rice, Ripley, Waitschies.  
Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Fisher, Juneau, Mendenhall, B. Olson.  
Total 5

**HB 161 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 161** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Brown, Franklin.  
Total 2

**HB 169 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 169** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Becker, Bixby, Cohenour, Gallik, Golie, Laslovich, Smith, Waitschies.  
Total 8

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 170 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 170** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

**HB 171 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 171** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake,

Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**HB 179 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Shockley.  
Total 2

**HB 183 - Senate Amendments** - Representative Steinbeisser moved Senate amendments to **HB 183** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: D. Brown, Devlin.

Total 2

**HB 197** - Representative R. Brown moved consideration of **HB 197** be passed for the day. Motion carried.

**HB 210 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 210** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Erickson, Fritz, Sales.

Total 3

**HB 211 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 211** be concurred in. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt.

Total 42

Noes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Lawson, Lewis, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith,

Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 337 - Senate Amendments** - Representative Ripley moved Senate amendments to **HB 337** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.

Total 97

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Franklin, Wilson, Mr. Speaker.

Total 3

**HB 481 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 481** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Hawk, Maedje, Sales.

Total 4

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Lindeen, McKenney.

Total 3

**HB 499 - Senate Amendments** - Representative Franklin moved Senate amendments to **HB 499** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Newman.

Total 2

Representative Brueggeman assumed the chair.

**HB 527 - Senate Amendments** - Representative Mendenhall moved Senate amendments to **HB 527** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 36

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0



Absent or not voting: Lewis.  
Total 1

**HB 532 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 532** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Franklin.  
Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 218 - Senate Amendments** - Representative Bookout-Reinicke moved Senate amendments to **HB 218** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin.  
Total 1

**HB 220 - Senate Amendments** - Representative Laszloffy moved Senate amendments to **HB 220** be concurred in.

Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Bixby, Jayne.  
Total 2

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

Representative Laszloffy reassumed the chair.

**HB 222 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 222** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Juneau.  
Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Erickson, Keane.  
Total 3

**HB 224 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 224** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 94

Noes: Newman, Smith, Younkin.  
Total 3

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Balyeat, Bixby, Fisher.  
Total 3

**HB 237 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 237** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 89

Noes: Dickenson, Erickson, Franklin, Golie, Gutsche, Harris, Jayne, Keane, Ryan, Younkin.  
Total 10

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**HB 269 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 269** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy,

Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 92

Noes: Cohenour, Dickenson, Gillan, Kaufmann, Sinrud, Small-Eastman.

Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Younkin, Mr. Speaker.

Total 2

**HB 277** - Representative Lindeen moved consideration of **HB 277** be placed at the bottom of the second reading board. Motion carried.

**HB 283 - Senate Amendments** - Representative Fuchs moved Senate amendments to **HB 283** be concurred in. Motion **failed** as follows:

Ayes: Cohenour, Dickenson, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Musgrove, Wanzenried.

Total 14

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 303 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 303** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.  
Total 86

Noes: Bixby, Buzzas, Carney, Cohenour, Dickenson, Erickson, Gallik, Galvin-Halcro, Jayne, Kaufmann, Raser, Small-Eastman, Weiss.  
Total 13

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Cohenour, Franklin, Gillan, Jayne, Smith, Wanzenried.  
Total 6

Excused: Facey, Windy Boy.  
Total 2

Absent or not voting: Buzzas.  
Total 1

## MOTIONS

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 211** Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Vice Chair  
Representative Everett  
Representative Bixby

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 283** Motion carried.

The Speaker appointed the following members:

Representative Fuchs, Chair  
Representative Balyeat  
Representative Jent

Representative Thomas moved **SB 39** be taken from the table in the Committee on Judiciary and be placed on second reading Legislative Day 75.

Representative Ripley moved to table previous motion. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, D. Brown, Callahan, Cyr, Devlin, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Golie, Hawk, Hurwitz, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Weiss.

Total 47

Noes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Fisher, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Jackson, Juneau, Kaufmann, Lange, Laslovich, Laszloffy, Lawson, Lewis, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 51

Excused: Facey, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Representative Gallus moved previous question. Motion carried.

Motion that **SB 39** be taken from committee and be placed on second reading (requiring 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Dickenson, Fisher, Gallik, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Juneau, Kaufmann, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, D. Brown, Callahan, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, A. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Wanzenried, Weiss, Wilson.

Total 50

Excused: Facey, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Representative Small-Eastman moved to **suspend the rules** for the late drafting, printing, and transmittal of a resolution. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 70

Noes: Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Devlin, Everett, Fisher, Hawk, Hedges, Jackson, Kasten, Lake, Lange, Laszloffy, Malcolm, Mendenhall, Morgan, Ripley, Rome, Ryan, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Weiss, Witt.  
Total 28

Excused: Facey, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

## **SPECIAL ORDERS OF THE DAY**

### **Legislative Memorial service April 6, 2003**

#### **FRANCIS BARDANOUE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Francis Bardanoue on March 17, 2002 in Havre, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Bardanoue be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Francis Bardanoue, the second longest-serving legislator in Montana history, was born in Harlem, Montana on December 10, 1917. He was the son of Blaine County homesteaders, John Bardanoue and Alice Miller Bardanoue. He graduated from Harlem High School in 1937 and both he and his wife, Venus, were awarded Honorary Doctorates of Letters from Montana State University in 1996.

Francis married Venus Potts in Harlem, Montana, 1967, where they lived on the Bardanoue ranch, the third generation of Bardanoue ranchers. Francis deeply loved their three children, Kathleen, Elizabeth, and Dr. Kedric Cecil.

Francis Bardanoue was a man of integrity. He was elected to the Montana House of Representatives in 1959 where he served for 36 years. He held the respect of his colleagues for his honesty, hard work, and integrity. His longevity earned him the title 'Dean of the House'.

He was chairman of the House Appropriations Committee where he helped shape and set policy that balanced the needs of the people of Montana. He inspired people to not only advocate with vigor, but to balance the scales of financial justice. Representative Bardanoue still holds the record for moving an appropriations bill through the legislature in only three days.

Francis Bardanouve was very theatrical. He often sat in his chair, eyes closed, head on his chest. About the time people assumed he was dozing, Francis would sit straight up, slap the table with his ham-like hand, and loudly declare, "Just a minute!" Then, to everyone's amazement, he would recount statements that had been made by witnesses, followed by his usual penetrating questions.

He was a compassionate legislator leading the effort to redesign Montana's institutions for our most vulnerable citizens. Early in his legislative career, he visited the Montana Development Center in Boulder where a young boy reached up and took his hand. From that bond, Francis returned to the legislature the next day and embarked on a continued effort to improve conditions at the Center.

He supported projects in north central Montana with his own personal funds, although he seldom allowed that fact to be publicized. The story has been told that Francis would arrive unannounced in various Montana communities asking, for example, "show me that new boiler we appropriated funds for last session." Other state-supported institutions also received such requests if Francis happened to be driving through their community. He was especially proud of his service on the farm supervisory board at the state prison and was responsible for making the state of Montana permanent owners of Charlie Russell's art.

Always a gentleman, Francis will long be remembered in the Montana legislature for his courteous treatment of everyone. His love for Montana was total and his accomplishments profound and remembered. Francis fulfilled his purpose of making Montana a better place for all.

He is survived by his wife Venus, and daughters Elizabeth Kuntz and Kathleen Barnes, son Kendric Cecil, eleven grandchildren and ten great-grandchildren.

#### **FRED O. BARRETT**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Fred O. Barrett on December 8, 2002 in Moore, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Barrett be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Fred Barrett was born May 31, 1932 in Lewistown, Montana. He attended school in Hobson and graduated from Hobson High School. He then attended the University of Montana where he received a bachelor's degree and later a master's degree in guidance/counseling.

Fred served in the U.S. Army from 1952 to 1954 taking supplies to Alaska in the summer.

Fred was united in marriage to Roberta Miller of Helena in July 1963. They later divorced. There were no children born of the marriage.

Fred was State Representative for Fergus County for three terms in the early 1970s.

Fred taught at Fergus High School and was also an assistant principal for 14 years. Following his school career he was an adjuster for the State Hail Insurance. After retiring, he kept busy painting houses for others, cultivating flowers in his small greenhouse, enjoying his cats and the mountains of Montana.

Fred is survived by a sister, Delores Sharpe of Helena and two brothers, Patrick of Hobson, Montana and Howard of Carson City, Nevada.

#### **DALE E. BERRY**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the



State of Montana record the passing of Dale E. Berry on July 5, 2002, in Hamilton Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Berry be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dale E. Berry was born in Sidney on February 6, 1939. Dale passed away unexpectedly on May 17, 2001, in Hamilton, as a result of a pulmonary embolism.

For 62 years, Dale lived a colorful, energetic and highly productive life. He touched many lives as an educator, coach, business person, community supporter and friend to many.

Dale grew up in Fairview and attended the University of Montana on a football scholarship. He earned a degree in education with teaching certifications in physical ed, sociology, and drivers education. He was a member of the Montana National Guard and saw active service in 1961 and 1962.

On August 10, 1963, Dale married Dorothy Cecrle in Hobson, Montana. He started his first coaching and teaching job at Denton, where he coached football, basketball and track, and managed the swimming pool in the summer. From there, the Berrys moved to Roundup where Dale taught and coached. Four years later, they relocated to Hamilton where Dale taught and coached for twenty more years.

Then Dale became fully involved in a real estate career, which he had pursued on a part-time basis while still teaching. In 1989, he started his own firm, the Greater Montana Land Company. This firm developed offices in Lewistown and Fort Benton in addition to the Hamilton location.

Dale Berry contributed generously of his time, energy, and creative thinking to his community and professions. He was highly respected and recognized in each of his many fields of endeavor. As a coach, he spent eight years as a Class A representative on the Board of Directors for the Montana Coaches Association, then was elected president for four years, and served as past president for four years. In 1988, he was inducted into the Montana Coaches Hall of Fame.

As a realtor, Dale was president of the Local Board of Realtors. In 1996, he was elected by his peers as 'Realtor of the Year'.

He served as an original member of the Hamilton School Foundation Board, and for several years, president of the Bitterroot Chamber of Commerce. He served as chairman of the Chamber Economic Development Committee and of the Port Authority Ad Hoc Study Committee. He was the Bitterroot Valley 'Business Person of the Year' in 1997.

In 2000, Dale ran for and was elected to the Montana House of Representatives. Before the session convened, a vacancy occurred in his Senate District and Dale was appointed to fill it. He was chosen by his colleagues to the position of Majority Whip for the 2001 session. He demonstrated great potential for a career in politics. However, fate intervened, and Dale's untimely passing prevented him from serving the second year of his term.

In addition to his wife Dorothy, Dale leaves behind two sons, Brad of Missoula and Brian of Hamilton, his mother, Gertrude Melby, of Laurel, and his brother, James Berry of Ellensburg, Washington.

#### **HENRY STUART COX**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Henry S. Cox on March 30, 2001 in Billings, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Cox be filed on the official

records of this Assembly and the following facts relative to his career are hereby noted:

Henry S. Cox was born Francis Wilkes in Chicago, Illinois, March 24, 1923. He was adopted at 6 weeks old by Henry D. and Kathryn Cox, who named him Henry Stuart Cox. At a young age, he moved with his father to Ohio where he was raised by a loving extended family.

On April 11, 1944, Henry met his future wife Doris Buzard at a county music festival while he was a student at North Lima, Ohio, High School. They had 56 wonderful years of marriage. Their mutual love of music and singing was one of the interests Hank and Doris shared. They raised five children - Karen, David, Jeanne, Mary and Danny.

Hank graduated from High School in 1941 and in the fall entered Kent State University on a baseball and basketball scholarship. He played semi-pro baseball for a time. WWII interrupted his education and he promptly enlisted in the U.S. Navy. He served in the Pacific on the aircraft carrier U.S.S. Wasp until his discharge in August 1945.

After the war, Hank re-entered college under the G.I. Bill, graduating from the University of Wyoming in 1952 with a degree in education. Hank taught several high school subjects and coached all sports including American Legion Baseball.

In 1956, Henry moved his family to Billings where he became a popular government teacher and coach at Billings Senior High School. He continued teaching full time and coaching golf until his retirement in 1985. During 32 years in education, he touched the lives of many students, parents and fellow educators. When asked later in life what he had taught, he would always say, "I taught kids!"

Representative Sue Dickenson spoke as also being one of Hank's "kids." She credits Hank with her interest in public affairs and running for the legislature. "Mr. Cox introduced ideas and questions in civics class which truly sparked critical thinking. Mr. Cox stressed the importance of, and the fun, in serving your community through public service. Mr. Cox was truly an inspiration to me; an honest, hard-working man with a great sense of humor and a strong sense of public responsibility."

Hank turned his love of government and politics into action when he was elected to the Billings City Council in the early 1960s. In 1966, he was elected to his first term in the Montana House of Representatives. In 1970, he was re-elected to his former seat in the Legislature where he served two additional terms.

Hank served as the Billings Mustangs' public address announcer for 20 seasons. He was a member of the Lutheran Church of the Good Shepherd. Throughout his life, he was a faithful witness for Christ.

Hank is survived by his wife Doris, and his five children and numerous grandchildren.

### **GLEN LYMAN DRAKE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Glen Lyman Drake on December 12, 2001 at the UCLA Medical Center, California.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Drake be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Glen Drake was born September 29, 1927 in Billings, Montana. He was raised on the family's Duck Creek Ranch, a dry-land wheat ranch south of Billings. He attended public school in Laurel and Billings graduating from the Northwest Nazarene Academy in Nampa, Idaho in 1945, then entered the U.S. Navy at age 17 serving in Adak, Alaska. He attended Eastern Montana College earning a Bachelor of Arts, and the University of Montana where he received a Law degree graduating in 1955.

Glen was united in marriage to JoMae Chase September 10, 1954 in Rochester, Minnesota. They lived in Butte, Billings, and Great Falls before settling in Helena where they lived for 35 years and raised their family of five sons - Curtis, Jeffrey, Charles, Joel, Carl and two daughters Leslie and Patty. He had a happy, caring, fun-loving personality and was a championship bowler, avid golfer, loved fishing, writing humorous limericks, singing and spending time with his family.

Glen was a member of the Helena law firm, Keller, Reynolds, Drake and Gillespie. He served as Senator to the Montana Legislature from Lewis & Clark County from 1970 to 1976, serving as a Member of the Legislative Council from 1975 to 1976.

Knowing he was nearing the end of his life, Glen Drake bravely took part in the Abucar Mechanical heart experiment at the UCLA Medical Center and was only the fourth man in the world to receive this type of mechanism. He participated in the experimental surgery to enhance the lives of others. He lived two months and six days at the Medical Center until he passed away due to complications from the surgery. For this, he will be remembered as a hero by his loving family and all who knew him.

Glen is survived by his wife of 48 years, JoMae, their seven children and ten grandchildren.

### **WILLIAM ALBERT "BILL" GROFF**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of William Albert Groff on July 5, 2002, in Hamilton, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Groff be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Born in Victor, Montana on February 17, 1920 to Houston and Julia (Vicc) Groff, William Albert "Bill" Groff was the son and grandson of early Bitterroot pioneers. Julia Vicc was the first child of settlers to be born on the west side of the Bitterroot River. Houston Groff was an area rancher, teacher, legislator, and banker. Bill grew up on the family ranch west of Victor and attended the Victor school where his mother and father had been teachers.

He attended Kemper Military Academy in Missouri, the University of Texas, and the University of Montana. Following his graduation from U of M with a Bachelor's Degree in Business Administration, Bill enlisted in the Army in 1941, and served his country in the South Pacific Theater. He received an honorable discharge as First Lieutenant in February, 1946.

In 1946, Bill married Phyllis Ann Wiesener of Tuscola, Illinois. They made their home across from the family ranch in Victor where they raised their two daughters, Ann and Kay.

Following in his father's footsteps, Bill served as president of Farmers State Bank of Victor. He served on the bank's Board of Directors and was active in the bank until the time of his death.

Bill followed his father's example once again when he was elected to the Montana State Senate in 1954. He remained in that position for twenty years, serving as Chairman of the Finance and Claims Committee and Majority Floor Leader.

Retirement from the Senate wasn't the end of Bill's service to the state of Montana. He became Director of the Department of Revenue in 1979, after working in the department for the preceding two years. In addition, Bill served as a member of the Western States Water Rights Commission, the National Association of Tax Administrators, Chairman of the Montana Board of Housing, and a member of the Montana Commission on Practice.

The Masonic Lodge #43, VFW, Elks, the Victor Senior Citizens, the American Legion, the Eagles and the Victor School Foundation, were some of the many civic organizations to which Bill contributed considerable time and resources.

In addition to his wife, Phyllis, Bill is survived by his two daughters, Ann and Kay. The family had asked that friends could make a contribution to the Victor School Foundation where Bill's parents had been early teachers. The Victor School had been an integral part of his life from the time he entered first grade until his death. With those memorials and other resources, the Victor School W.A. Groff Memorial classroom will soon be a reality.

### **HOWARD "SWEDE" HAMMOND**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Howard "Swede" Hammond on October 22, 2001, in Malta, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Hammond be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

The Montana Hi-line and Howard W. "Swede" Hammond seem to belong together. He was born in Westby in 1917, grew up in Whitewater, and got the basics for a teaching degree at Northern Montana College. His first teaching job was in Bainville in 1939. He spent most of the remainder of his life as an educator at Big Sandy.

Swede was absent from the Hi-line for only three periods: while in the service of the US Air Force in World War II, while earning bachelors and masters degrees from the University of Montana, and during the six terms he served in Montana's Senate.

Swede earned teaching majors in math, history and physical education. He taught all those subjects and more. He spent 27 years in the Big Sandy school system as teacher, coach, and school principal. Upon retirement, he and his wife Ella settled in Malta.

Swede was more than a devoted educator. He was more than a good coach. He was their mentor and friend. Charlie Klimas, an alumnus of Big Sandy School, recalled his high school principal: "The year I was a senior in high school, there were twelve kids on the Big Sandy basketball team and there was only one that had his original dad...[Swede] was certainly a second father to a lot of kids. "

He was just a wonderful person and role model for all of us. He had such a great sense of values, believed in God and family and country."

Upon retiring from his long and distinguished career in teaching, coaching, and school administration, Swede Hammond ran for and was elected to the Montana Senate in 1979, where he served for twelve years.

Many Hi-line organizations and projects benefitted greatly from Swede Hammond's generous contributions of time, counsel, and resources. Those groups include the Boards of Big Sandy Medical Center and Lutheran Home of the Good Shepherd. He helped create the Big Sky Christian Youth Ranch and worked with the Montana American Legion Boys State, Montana State Association of Student Councils, Montana Coaches Association, North Central Montana School Administrators, and North Central Montana High School Principals. He was also a member of VFW, American Legion, Malta Rotary Club, and Shrine Club.

He is survived by his wife, Ella, a daughter Patricia, two sons Michael and Howard, a sister Beverly Haugen of Kremlin, and two brothers, R.A. and Milton. There are nine grandchildren and one great-grandchild.

### **WARREN WAYNE HARPER, SR.**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Warren Harper, April 3, 2001 in Parkdale, Oregon.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Harper be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Warren Wayne Harper, former Montana State Representative, was born August 4, 1930, in Livingston, Montana to Willard and Emma McKinney Harper.

He grew up and attended school in Livingston. Warren entered the U. S. Army and served during the Korean War as a paratrooper in the 187<sup>th</sup> and 82<sup>nd</sup> Airborne Division.

Warren was awarded two Purple Hearts and a Bronze Star for his distinguished military service. Warren was discharged from the service in 1952 and returned to Livingston where he worked for the Northern Pacific Railroad as a trainmaster. He retired in 1978 after 24 years of service.

Warren married Annabelle Mercer on August 15, 1954. The couple later divorced. He married Gayle Marchesi Michaels on August 18, 1973, in Coeur d'Alene, Idaho.

Warren Wayne Harper proudly served two terms in 1961-1966 as a Montana State Representative.

He was an active member of the Disabled American Veterans throughout his life in Livingston and Hood River, Oregon. He loved gardening, feeding birds, and all of nature. He is remembered as an enthusiastic brother, and son, who fully enjoyed life.

Warren is survived by his wife Gayle; his sons Wayne and Kenneth, his four daughters, Desta, Dawn, Karen, and Katherine; his brothers Williard, John, and Howard; his sister Lucille; and 13 grandchildren and three great-grandsons.

### **BURT L. HURWITZ**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Burt L. Hurwitz on October 3, 2001 in White Sulphur Springs.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Hurwitz be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Burt Hurwitz was born August 16, 1911 in Butte, Montana. Due to his mother's ill health, the Hurwitz family moved to Olean, New York about 1918 where Burt grew up and completed high school. Burt entered the University of Montana forestry program in September of 1934.

Burt met June Bower at the U of M and they were married September 28, 1935 in Spokane, Washington.

During the next two years, Burt worked every job he could on weekends and Christmas vacations. The young Hurwitz couple's summers were spent at or near various ranger stations where Burt would work as an intern as part of his Ranger training. He worked on Forest Service lookouts and ran CCC crews in the summers.

He completed his forestry degree in 1938. He was hired by the U.S. Forest Service and after several other assignments, he was transferred to White Sulphur Springs in 1944 as the forest ranger.

A 94-year-old rancher made it possible for Burt to purchase the Shannon Ranch. In 1950, their first summer on the ranch, the couple spent their life savings to put up hay using horse-drawn equipment.

They renamed the ranch the Lazy BH and despite dire predictions, fluctuating cow prices, rising interest rates, droughts, floods, and forest fires Burt and his family endured and prospered. Burt was named Outstanding Forestry School Alumni of the Year in 1985.

From a young age, Burt had a conviction that community service was an important part of life. He became involved in the White Sulphur Springs community by serving on the local school board. He was urged to run for county commissioner in 1953, a post he won, and held, for the next 23 years. He felt strongly that county commissions needed to unite to bring the voice of county government to the legislature and was instrumental in the founding of MACO, Montana Association of Counties, serving as its first president.

Burt was elected to the Montana House of Representatives in 1976 and was re-elected for two additional terms. After serving as chairman of the Human Services Subcommittee on Appropriations in 1981, Burt decided not to seek re-election. He was then appointed by former Governor Ted Schwinden to the Board of Regents; a position he held for seven years. The State of Montana has benefitted from his belief in the importance of community service and his dedication.

Burt's greatest love was the 50 years he spent ranching in Meagher County.

Burt and June were blessed with four children; sons Dan, Ben, and Michael, and a daughter, Rosana. All four children, including his wife June, survive him, as well as his nine grandchildren.

### **PETER VORIOUS JACKSON III**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Peter V. Jackson III on July 9, 2002 at his ranch in Harrison, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Jackson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Peter Jackson III was born May 18, 1927 in Butte, Montana. At the age of 16, he bought his first piece of land for his 4-H sheep project. He was very proud to have been the first 4-H'er in Madison County at the age of 12. Peter was also the first winner of the Little International Livestock Exposition in Bozeman.

Peter graduated from Harrison High School in 1946 and later enrolled at Montana State College in Bozeman majoring in business, with a dream of becoming a county extension agent.

Peter and Johnneta Peirce were united in marriage in Whitehall on April 29, 1949. To this union three sons were born, Ward, Jon, Mark; and two daughters, Shelly, and Emily.

Peter was very active in supporting his community, county and state. He was president emeritus of the Madison County Fair Board, beginning his service to the board in 1951. He served on both the Norris and Harrison School Boards.

He served one term in the State Legislature from 1971-1973, when all of the bills he sponsored were passed. He was the executive vice president of the Western Environmental Trade Association for nine years and a member of the Montana Extension Advisory Council.

Peter had many accomplishments in his life and received numerous awards. He was a life member of the Society for Range Management. He was the first recipient of the Frederic G. Renner Award in recognition of his distinguished

accomplishments in promoting range management. He was state president of both the national and Montana Conservation Districts. He was the national secretary-treasurer of the Grazing Lands Conservation Initiative.

One of his proudest achievements was writing the Montana State Lands Range Conservation Plan; a plan still in use today. In 1959, he built the largest Soil Conservation Service earthen dam in the United States, creating the Norwegian Creek Reservoir.

His most cherished moments were having his home full of grandchildren and great-grandchildren. He is survived by his sons Ward and Jonathan, his daughter Michelle, his sister Bobby Paige, his grandchildren and great-grandchildren.

#### **OSCAR SEIGEL KVAALEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Oscar S. Kvaalen on April 11, 2002 in Sidney, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Kvaalen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Oscar Seigel Kvaalen, former House Minority leader and Richland County rancher, was born January 1, 1921 in Lambert, Montana, the oldest of four children. His Father, Ostein, was a Norwegian immigrant and homesteader. Oscar was raised on a farm south of Lambert.

"The dirty thirties," as they were called, were a reality to the farm kids in the Lambert area. Oscar often talked of school activities--playing basketball in the school basement gym, and moonlight outdoor trips.

He graduated from Lambert High School and went on to attend Concordia College in Moorhead, Minnesota, where he graduated with a Bachelor of Arts degree. Later, he took graduate courses in range management at the University of Montana.

Oscar enlisted in the U. S. Navy in 1942 and served as a radar officer aboard the U.S.S. Fond Du Lac in the South Pacific Theater. He returned after the war to the Lambert area where he spent most of his life as a farmer and rancher. Oscar truly enjoyed his two grandchildren, Olivia and Lars.

Following college, Oscar worked for the Soil Conservation Service and the State Land Department before returning to the family homestead in Lambert.

Oscar married his childhood neighbor, Ruth Johnson, March 5, 1960 in Sidney. They lived on their farm south of Lambert where they raised two children.

Oscar was elected to the Montana House of Representatives where he served from 1959 until 1979, except for one legislative session. He was a member of the Ways & Means, Fish & Game, Appropriations, and Rules Committees. Representative Kvaalen also served eight sessions as a member of the House Education Committee.

Oscar was a member of the First Lutheran Church in Lambert. He was a very private man who enjoyed reading, especially history. Although he was very busy as a farmer and Representative, Oscar always had time for company, especially his children. He and Ruth enjoyed horseback rides with their family into the badlands of Burns Creek.

Oscar is survived by his wife Ruth, son Jon, daughter Elizabeth Knotts, brother Arne, two sisters, Gene and Joyce Carlson and two grandchildren.

## **JANET LEE MOORE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Janet Lee Moore on April 7, 2001, at her Swan Valley Home.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mrs. Moore be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:

Janet Moore was born in Walter Reed Hospital, Washington, D.C. on February 12, 1935. She and her sister, Kathleen, spent much of their girlhood with their aunts and uncles on a North Carolina farm and in Washington, D.C.

Janet worked for 17 years for the United States Departments of Treasury, Defense, and Agriculture. Her fondest memory of that early work was helping prepare President Eisenhower's paychecks. She also worked at the national headquarters of the U.S. Forest Service.

Janet married Frank Fitzgerald in 1952. Four children were born to Janet and Frank: Susan, Kevin, Joe, and Nancy. Frank and Janet divorced in 1970. She married Bud Moore in 1971 and moved to Missoula.

Always active in her community, Janet organized efforts to improve treatment of juvenile offenders. She helped organize the Montana Trappers Association and served as its first lobbyist to the Montana Legislature.

In 1983, Janet was elected as the first legislator to Montana's newly formed House District 65, and was re-elected to two additional terms.

As a State Representative, Janet's particular interests were related to wildlife, veterans' rights, and labor issues. She is remembered as a popular legislator who worked year-round helping people interpret legislation.

In addition to her tenure in the Montana House of Representatives, Janet devoted much time and support to many other civic interests. The Missoula Lady Lions Club benefitted from Janet's contributions, as well as Swan Valley Community Club in Condon. She also served as president of the Swan Valley - Condon Chapter of AARP.

Janet and her husband, Bud, co-owned Coyote Forest Management, an active business in the Swan Valley.

Janet's unconditional love for Jesus carried her through a thirteen-year struggle with cancer. Janet is survived by her husband, Bud, daughters Susan and Nancy, their sons Kevin, and Joe, their stepdaughter, Vicki, and stepson William.

## **MARCUS V. NICHOLS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Marcus Nichols on April 17, 2000.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Nichols be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Marcus V. Nichols was a Veteran of World War II, a Captain in the United States Air Force, a farmer who loved the land, a gifted speaker, and a poet. He was born July 14, 1915 on the family homestead near Square Butte, Montana and graduated from Geraldine High School. In 1938, he received his bachelor of science degree in pre-medicine from the University of Montana.



Marcus married Ruth L. Faucett on November 28, 1945 and they had three children. Ruth passed away in 1982. In 1983, he married Patricia Weatherford of Kalispell. They spent their winters in Mesa, Arizona and summers in Kalispell.

Marcus was very active in the Eastern Star, serving as Grand Worthy Patron of Montana in 1965, and later as Right Worthy Grand Trustee of the International OES for 10 years. He was a member of Adah Chapter #17, OES of Kalispell and Denton Chapter #72 of OES. He was also past master and 60 year member of Pilgrim Lodge 102; belonged to York Rite, Algeria Shrine; the Elks Club; the American Legion; Lakeside Community Methodist Church; and associate member of Our Saviour Lutheran Church in Mesa.

As a gifted speaker, he was sought out for his programs on Americanism and his poetry presentations. He gave freely of his time and resources to aid his church, community, state, and fellow man. Sustained by his faith in God, he worked for the betterment of all.

Marcus proudly served one term in the House of Representatives in 1947.

He is survived by his wife Patricia of Kalispell, son Marcus of Lakeside, and daughters Nila of Billings, and Karol of Great Falls.

### **JERRY LYNN NOBLE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Jerry L. Noble on December 23, 2001, in Great Falls, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Noble be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Jerry Lynn Noble, Montana Senator, businessman, and barber shop vocalist, was born on March 11, 1937 to Robert and Madella Noble in Great Falls. He received his early education in Great Falls and attended the College of Great Falls. Following his military discharge from the U.S. Marine Corps, Jerry spent the rest of his life working in the tire business.

Starting at a very early age, Jerry Noble shared his time and many talents with the community of Great Falls. As a child, he was active in the Boy Scouts, achieving the rank of Eagle Scout. As an adult, he was an active member of the Elks Lodge, Great Falls Transportation Club, and the Assembly of God Church and the Great Falls Drum and Bugle Corps. He was a member of a Great Falls barbershop group, where he sang baritone.

In 1977, Jerry formed Jerry Noble Tires. Jerry, his son, Chuck, and long-time family friend, Dean Whitmore, later opened the Jerry Noble Tire Factory in 1999.

He demonstrated his commitment to his industry as past director of the Montana Tire Dealers Association and past director of the National Tire Dealers Association.

Jerry was married to Darlene Bolta. The couple later divorced.

Jerry was elected to the Montana Senate in 1986, and served one term, choosing not to seek re-election. Senator Noble was particularly interested in legislation related to the Montana Department of Environmental Quality.

He is survived by his mother, Madella Noble, sons Chuck and Ken, all of Great Falls, and his daughter, Diane, of Portland. Jerry is also survived by his brother, Ed, and sisters Linda Logan and Cheryl Pinsonneault.

### **J. DONALD OCHSNER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of J. Donald Ochsner on September 7, 2001, at his home south of Miles City, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Ochsner be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

J. Donald Ochsner started life in Nebraska on October 25, 1919. He attended schools in Stanton County and graduated from Madison (Nebraska) High School. Soon after, he moved to Montana where he worked for his sister and brother-in-law. He attended Montana State College in Bozeman and earned a diesel engineering degree.

On November 19, 1940, in Madison, Nebraska, Don married Fern Barrett.

His ranch was his life. He farmed one year in Nebraska, and worked for a Miles City rancher before being able to have his own spread. He is credited with helping many Miles City ranchers build reservoirs on their farms and ranches.

He loved the land and his animals. Donald was happiest moving dirt with his Caterpillar to build roads and reservoirs, and when riding his favorite horse "Blue" with his cow dog at his side.

In addition to the time he spent on his farm and ranch, Don led an active civic life. He contributed generously of his time, talent, energy, and knowledge to many civic and professional organizations on a local, regional, and state level.

He was past President of the Montana Farm Bureau, a 4-H leader, and State 4-H Council President. He was a longtime member and past President of the Board of Directors of the Rural Fire Association, and at the time of his death, was on the Board of Directors of the Eagles Manor. He served as Trustee and Elder of the First Presbyterian Church. Don was a member of the local Gideons, worked with the Northern Plains Council, and served on a local school board.

From 1981 to 1985, Don represented his Senate District in Montana's Legislature.

In later years, Don enjoyed traveling and spending winters in the South.

In addition to his wife Fern, Don is survived by two sons, Jay and Gary, and two daughters, Janet Steinley and Susan Beausoleil. There are ten grandchildren, including two grandsons currently in the military. A host of great-grandchildren also survive.

### **ROBERT JAMES RASMUSSEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Dr. Robert James Rasmussen on April 15, 2001 in Des Moines, Iowa.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Dr. Rasmussen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dr. Robert James Rasmussen, Montana statesman, physician, and public servant, was born August 1, 1926 in Clinton, Iowa to Otto and Helen Rasmussen. He attended grade school and high school in Clinton.

Robert was a graduate of Northwestern College of Chiropractic in St. Paul, Minnesota, and later attended LaSalle

University where he was awarded a law degree. Dr. Rasmussen served his country in the Army both in World War II and the Korean War.

Dr. Robert Rasmussen and Rita Ann Schaper were united in marriage November 17, 1951 in Beloit, Wisconsin. To this union were born five children. The Rasmussens lived in Glasgow until 1969 when they moved to Des Moines, Iowa.

Dr. Robert Rasmussen was a devoted and well-rounded public servant both in Montana and Iowa. He was an executive director of the Iowa Chiropractic Society and a director of professional affairs for the American Chiropractic Association.

Robert served in the Montana State Senate, District 5 in 1967, and served as an alderman and three-term mayor of the city of Glasgow. He was an officer in the Valley County Democratic Party and chairman of the City-County Planning Board of Valley County.

Robert had a special interest in the field of agriculture and in the areas of city, county, and state planning. He was particularly interested in all aspects of the healing arts and nursing, properly financed public health care, and public education. He was a member of the Elks and the Knights of Columbus, serving as Grand Knight.

He is survived by his wife, Rita, sons Mark and Stephen, three daughters, Mary, Paula and Ann and six grandchildren.

#### **WINSTON "GLENN" SAUNDERS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Winston "Glenn" Saunders on July 25, 2002, in Columbus, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Saunders be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Glenn Saunders was born in Richland, Oregon, on April 24, 1916. He had been a Montanan since the age of two, when the family moved to Stillwater County. From that time, with the exception of three years when the family lived near Luther, Glenn spent his life in Stillwater County.

Glenn married Helen Mason on June 13, 1938. They made their home on Countryman Creek and also in Columbus where he farmed and worked as a high lineman and rewired homes. In 1937, he helped map Stillwater County for the ACP program. In 1956, he became the office manager of the county ASCS and represented Montana at many national conventions.

Following his retirement from a career with government agriculture programs, Glenn was elected to the Montana House of Representatives in 1982 and served for one term.

Glenn was an avid outdoorsman. He loved the time he spent hunting, fishing, trapping, and backpacking with his sons and grandsons. He was a master small bore competitor, and was one of the main organizers of the Stillwater Rifle and Pistol Club. He was a life member of the Yellowstone Rifle Club, Montana Rifle and Pistol Association, and the National Rifle Association.

Glenn was an accomplished photographer and writer. He wrote a weekly article for the ASCS in the local paper, articles for the Outdoor Life and American Rifleman, and was pictured on the front page of the Outdoor Life following a goat hunting adventure in the 1950s.

Glenn gave generously of his time and talent to his community and church. He was an active member and past treasurer of the Columbus Congregational Church, the Stillwater Masonic Lodge, and Kiwanis. He served on

boards of Rainbow Girls and DeMolay.

Glenn fought a long and valiant battle with Parkinson's disease. He is survived by Helen, his wife of 64 years, his two sons Ralph and Bruce, his daughter Glenda, his brother, Tom and sister, Cleora Russell, several grandchildren and great grandchildren.

#### **PAUL SLITER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Paul Sliter on August 15, 2001, in Helena, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Sliter be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Paul Sliter, former House of Representatives Majority Leader and rising Montana statesman, was born in Kalispell, May 5, 1969 to Everit and Nikki Sliter. He graduated from Flathead High School in 1987 and received a bachelor's degree in political science from the University of Montana where he was a student lobbyist and a member of the student senate.

Thus began the extraordinary political life of Paul Sliter, the articulate Montana leader from Somers with a contagious vitality for life and the gift of political wit and savvy.

The Sliter family has been in the lumber and hardware business for more than 60 years, and Paul worked in the family business. Paul and Elaine Johnston were married in 1997. They are the parents of a daughter, Morgan. Paul continued his political career as an intern for Senator Conrad Burns in 1992 and as a lobbyist and intern for the Montana Petroleum Marketers Association in both 1991 and 1993.

Recognized as an outstanding leader with an intuition for public policy and business, he was elected to the House of Representatives in 1994 and re-elected in 1996, 1998 and 2000. Representative Sliter served as House majority whip in 1999 and House majority leader in 2001.

He was a staunch Republican who knew how to rally his team before and during political debates. A leader in every sense of the word, Paul valued communication with both Republican and Democratic colleagues and was respected for his ability to bridge party differences.

Secretary of State Bob Brown remembers Paul Sliter: "You think of Paul, you see him smiling. He was always upbeat. He was always positive. He had this wonderful zest for life, and the grand competition in politics."

His devoted colleague, former House Speaker Dan McGee remembers Paul's complete devotion to his family, his love of the political arena, and his love for Montana.

Paul is survived by his wife, Elaine, and his daughter, Morgan; his parents, Everit and Nikki Sliter; and his brother and sister-in-law Justin and Jennifer Sliter.

#### **BENNETT H. STEIN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Bennett Harris Stein on December 14, 2001, in Livingston, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Stein be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bennett Stein was born November 15, 1915 in Ravinia, Illinois. His father was a very successful lawyer, with a

client list that included the famous entertainers of the time, Amos and Andy. The senior Steins entertained frequently, sometimes hiring Guy Lombardo to provide the music.

After studying English Literature at Dartmouth for a time, Bennett hitchhiked out west, catching a ride on the back of a potato truck. "When he found Montana, it was the right place for him. "No one could have loved a land more than he loved Montana," according to his daughter, Linda Stein. Ben married Hildegard Balke in 1939 and they purchased a small dairy farm near Darby, where they lived for two and a half years, learning from the neighbors how to milk and butcher. They had five children and, in Ben's words, "spent wonderful days together in the ordinary routine of six square miles."

Ben worked as a journalist at the Great Falls Tribune and branched out into cattle ranching in the Shields Valley. Ben and Hildegard divorced in 1966.

In 1967, Ben purchased his place at the foot of the Crazy Mountains, married Glenna Hamilton and lived happily with her until Glenna died during heart surgery in 1978.

Ben continued to live a physically active life. He did some logging, had to snowshoe in part of most winters. He thrived on keeping fit and felt fortunate to ski, canoe, dance and hike the hills until he was past 80 years old. Linda remembers "at eighty, he could tire me out climbing up a mountain".

Ben edited and compiled the book "Tough Trip Through Paradise," the diaries of mountain man Andrew Garcia. It was first printed in 1967, and has been reprinted many times.

For the last six years of his life, he was limited to a sedentary lifestyle in Livingston on his four acres and with a view of the Absarokas. He then indulged himself in his love of reading.

A simple life in the presence of the Montana mountains defined Ben's existence for most of his life. When he was an English Literature major at Dartmouth, he wrote a paper entitled "Wordsworth and a Future Farmer," which his daughter Linda found and read after his death. It encapsulated the spirit with which he lived. Linda relates "In it, my father described his experiences spending months at a time in the wilderness since the age of seven, and working as a hired hand on farms as a young man. Both he, and Wordsworth, believed that an 'inner richness' could be gleaned from a life lived simply, in the presence of nature."

Ben served in the State Senate representing Park County for 14 years, from 1957 to 1971. His legislative service was distinctive in that he served part of it as a Democrat, and part as a Republican. But family and friends say he was always an independent at heart. At the time of Bennett's passing, former legislator and Supreme Court Justice Jean Turnage characterized him as "probably one of the most intelligent people that ever served in the Montana Legislature."

Bennett Harris Stein is survived by his five children, Karen, Linda, David, Leslie, and Peter and two grandchildren.

### **LEONARD E. VAINIO**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Leonard Vainio on April 10, 2001 in Missoula County.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Vainio be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Leonard was born February 3, 1939 in Butte, Montana. From the start of his education at St. John's Elementary in Butte, Leonard excelled in scholastics. He graduated from St. John's Elementary and Boys Central. He was valedictorian for the class of 1957 and was a recipient of several scholastic scholarships. After graduating from Boys Central, Leonard attended Seattle University on a baseball and basketball scholarship. He had the privilege to

play with NBA hall-of-famer, Elgin Baylor.

Leonard attended the University of Washington Dental School for one year. He had excellent gross motor skills but decided his fine motor skills required for caring for teeth were not up to par. Therefore, he elected to attend optometry school. He received his bachelors and his Doctor of Optometry degrees from Pacific University in Forest Grove, Oregon, in 1964.

In 1965, after returning to his hometown of Butte, he acquired the existing optometric practice of Dr. R. C. Haser. He later expanded this practice with satellite offices in Sheridan and Whitehall. With his brother, Dr. David Vainio, Leonard co-founded the American Eye Care Centers. Through this organization, the optometric practice was extended to most major Montana cities and Washington state.

Leonard was active in youth activities in Butte, excelling in baseball and basketball. His baseball career included American Legion, Seattle University, and the Copper League. He was one of Butte's premier shortstops. In the 1960s, he taught a 'baseball school' for Butte youths, training them in the fundamentals of the sport.

Leonard's basketball achievements were highlighted by membership on the 1956 Butte Central "Big 32" state championship team. With the championship game falling on St. Patrick's Day, the team appeared on the floor in green uniforms, to the delight of the crowd. This 1956 champion team was inducted into the Butte Sports Hall of Fame.

Leonard followed his father's political aspirations and was elected as a Montana State Senator from Silver Bow County in 1970 and served its citizens during the 56<sup>th</sup> Legislative session. He was instrumental in securing funding for construction of the existing mining/geology building and library at Montana Tech and legislation for osteopathic physicians to hold the same status as medical doctors.

Leonard is survived by his sister Patsy, and brothers David, and Kevin, along with many nieces and nephews. All who knew him surely miss his exuberant spirit and personality.

### **REINO JOHN "RAY" WAYRYNEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Reino John Wayrynen on January 23, 2003 in Surprise, Arizona.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Wayrynen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Ray Wayrynen, former Montana House of Representatives Speaker and minority leader, was born September 24, 1922 in Hancock, Michigan.

He moved to Butte as a child, attended Grant School, and graduated from Butte High School in 1941. Ray enlisted in the Navy Seabees during World War II, and served in the South Pacific. After returning home, he attended Worsham College in Chicago, graduating as an embalmer and funeral director.

Ray and Nielsine Lowney began their life together in 1942 and to this union their daughter, Linda, was born.

Ray's political career began in 1957 when he was elected to the Montana House of Representatives, representing Silver Bow County until 1970. He served as House minority leader in 1963 and House speaker in 1965.

In 1971, Governor Forrest Anderson appointed him to the State Board of Equalization which later became the State Tax Appeals Board. He served as chairman of this board until his retirement in 1976. A highlight of Ray's political career was personally meeting Presidents John F. Kennedy and Lyndon B. Johnson.

While residing in Butte, Ray worked for White's Funeral Home, and Sherman and Reed Mortuary, which he later purchased. He and Nielsine built Wayrynen Funeral Home on Florence Avenue.

Ray belonged to several fraternal organizations, and serviced as the Worthy Patron of Butte Chapter No. 39, Order of the Eastern Star, Potentate of Bagdad Temple of the Shrine, and Secretary of Butte Court, Royal Order of Jesters. He was Secretary of Local Council No. 106 and Grand Secretary of Montana, Idaho, and Utah United Commercial Travelers.

Ray is survived by his wife Nielsine, daughter Linda, his grandchildren, and one great grandchild.

#### **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, April 8, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 7, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Golie. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Facey, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Allysha Cohenour, East Helena  
Elliot Cross, Glendive  
Jesse Everson, Billings  
Bryce DeGroot, Manhattan  
Colton Gill, Lewistown  
Phillip Nielsen, Billings  
Alexis Sandru, Twin Bridges  
Ryan Wages, Great Falls

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

4/5/2003

**HB 6**, introduced by Witt  
**HB 8**, introduced by Witt  
**HB 195**, introduced by Younkin  
**HB 419**, introduced by Laszloffy  
**HB 431**, introduced by Lawson  
**HB 494**, introduced by Wilson  
**HB 501**, introduced by Noennig  
**HB 546**, introduced by Wagman  
**HB 579**, introduced by Shockley  
**HB 591**, introduced by Fuchs  
**HB 678**, introduced by Lindeen

**House joint resolution** concurred in and returned to the House:

4/5/2003

**HJR 26**, introduced by Younkin

**House bills** concurred in and returned to the House:

4/4/2003

**HB 186**, introduced by Matthews  
**HB 205**, introduced by Franklin  
**HB 230**, introduced by Erickson  
**HB 293**, introduced by Smith  
**HB 384**, introduced by McKenney  
**HB 445**, introduced by Pattison



**HB 456**, introduced by Parker  
**HB 474**, introduced by Weiss  
**HB 482**, introduced by Forrester  
**HB 524**, introduced by Mendenhall  
**HB 555**, introduced by Bitney  
**HB 580**, introduced by Bitney  
**HB 637**, introduced by Raser

**House joint resolution** concurred in and returned to the House:

4/4/2003

**HJR 12**, introduced by Fuchs

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/5/2003

**HB 105**, introduced by B. Olson  
**HB 107**, introduced by A. Olson  
**HB 141**, introduced by Lange  
**HB 203**, introduced by A. Olson  
**HB 213**, introduced by Gallik  
**HB 247**, introduced by Harris  
**HB 256**, introduced by Shockley  
**HB 266**, introduced by Jacobson  
**HB 270**, introduced by Bergren  
**HB 358**, introduced by Lange  
**HB 404**, introduced by D. Brown  
**HB 410**, introduced by Younkin  
**HB 424**, introduced by Jent  
**HB 451**, introduced by E. Clark  
**HB 468**, introduced by Gillan  
**HB 509**, introduced by A. Olson  
**HB 538**, introduced by Rome  
**HB 540**, introduced by Gallik  
**HB 553**, introduced by Gallik  
**HB 556**, introduced by Gallik  
**HB 577**, introduced by Brueggeman  
**HB 588**, introduced by Matthews  
**HB 609**, introduced by Windy Boy  
**HB 640**, introduced by Haines  
**HB 641**, introduced by Haines  
**HB 648**, introduced by Younkin  
**HB 667**, introduced by Harris  
**HB 669**, introduced by Younkin  
**HB 676**, introduced by Lindeen  
**HB 677**, introduced by Lindeen  
**HB 680**, introduced by Noennig  
**HB 689**, introduced by A. Olson  
**HB 698**, introduced by Gillan  
**HB 720**, introduced by Hurwitz  
**HB 733**, introduced by Schrumpf  
**HB 734**, introduced by Lawson

**House joint resolutions** concurred in as amended and returned to the House for concurrence in Senate amendments:  
4/5/2003

**HJR 29**, introduced by Gallus  
**HJR 31**, introduced by Facey  
**HJR 32**, introduced by Haines

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:  
4/4/2003

**HB 90**, introduced by E. Clark  
**HB 130**, introduced by Lewis  
**HB 223**, introduced by Lawson  
**HB 253**, introduced by Hedges  
**HB 259**, introduced by Maedje  
**HB 304**, introduced by A. Olson  
**HB 385**, introduced by Fritz  
**HB 396**, introduced by Gibson  
**HB 484**, introduced by R. Brown  
**HB 512**, introduced by Sinrud  
**HB 517**, introduced by Wilson  
**HB 525**, introduced by Keane  
**HB 536**, introduced by Brueggeman  
**HB 537**, introduced by Lawson  
**HB 545**, introduced by Haines  
**HB 563**, introduced by Laszloffy

#### **MESSAGES FROM THE GOVERNOR**

April 4, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 63** sponsored by Representative Kasten, **House Bill 319** sponsored by Representative Lawson, **House Bill 340** sponsored by Representative Andersen, and **House Bill 627** sponsored by Representative Lindeen on April 4, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House adjourned at 1:11 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Facey and Windy Boy, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 17 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 17** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 20 - Senate Amendments** - Representative Golie moved Senate amendments to **HB 20** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 96

Noes: Ripley, Ross, Smith, Witt.

Total 4

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**HB 50 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 50** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Stoker, Waitschies.

Total 2

**HB 54 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 54** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 67 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 67** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Balyeat, R. Brown, Everett, Fuchs, Gillan, Jayne, Lambert, Rice, Rome, Sales, Sinrud, Waitschies, Witt.

Total 13

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 76 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 76** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 98 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 98** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Laszloffy, Younkin.

Total 2

**HB 104 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 104** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Brown, Fritz.  
Total 2

**HB 110 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 110** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 123 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 123** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Buzzas, Erickson, Juneau, Kaufmann, Malcolm, Wanzenried.

Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 127 - Senate Amendments** - Representative Fritz moved Senate amendments to **HB 127** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Gallik.

Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 134 - Senate Amendments** - Representative Weiss moved Senate amendments to **HB 134** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Bixby, Juneau.

Total 2

Voted Absentee: Facey, Windy Boy, Ayes.



Excused: None.  
Total 0

Absent or not voting: Fisher, Hurwitz, Laszloffy.  
Total 3

**HB 145 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 145** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**HB 155 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 155** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

Total 0

**HB 157 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 157** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Maedje, Malcolm, Pattison, Rice, Ripley, Waitschies.

Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Fisher, Juneau, Mendenhall, B. Olson.

Total 5

**HB 161 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 161** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Brown, Franklin.

Total 2

**HB 169 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 169** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Becker, Bixby, Cohenour, Gallik, Golie, Laslovich, Smith, Waitschies.  
Total 8

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 170 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 170** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

**HB 171 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 171** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake,

Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**HB 179 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Shockley.  
Total 2

**HB 183 - Senate Amendments** - Representative Steinbeisser moved Senate amendments to **HB 183** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: D. Brown, Devlin.

Total 2

**HB 197** - Representative R. Brown moved consideration of **HB 197** be passed for the day. Motion carried.

**HB 210 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 210** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Erickson, Fritz, Sales.

Total 3

**HB 211 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 211** be concurred in. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt.

Total 42

Noes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Lawson, Lewis, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith,

Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 337 - Senate Amendments** - Representative Ripley moved Senate amendments to **HB 337** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.

Total 97

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Franklin, Wilson, Mr. Speaker.

Total 3

**HB 481 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 481** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Hawk, Maedje, Sales.

Total 4

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Lindeen, McKenney.

Total 3

**HB 499 - Senate Amendments** - Representative Franklin moved Senate amendments to **HB 499** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Newman.

Total 2

Representative Brueggeman assumed the chair.

**HB 527 - Senate Amendments** - Representative Mendenhall moved Senate amendments to **HB 527** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 36

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 532 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 532** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Franklin.

Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 218 - Senate Amendments** - Representative Bookout-Reinicke moved Senate amendments to **HB 218** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

**HB 220 - Senate Amendments** - Representative Laszloffy moved Senate amendments to **HB 220** be concurred in.



Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Bixby, Jayne.  
Total 2

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

Representative Laszloffy reassumed the chair.

**HB 222 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 222** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Juneau.  
Total 1

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dickenson, Erickson, Keane.  
Total 3

**HB 224 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 224** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 94

Noes: Newman, Smith, Younkin.  
Total 3

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Balyeat, Bixby, Fisher.  
Total 3

**HB 237 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 237** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 89

Noes: Dickenson, Erickson, Franklin, Golie, Gutsche, Harris, Jayne, Keane, Ryan, Younkin.  
Total 10

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**HB 269 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 269** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy,

Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 92

Noes: Cohenour, Dickenson, Gillan, Kaufmann, Sinrud, Small-Eastman.

Total 6

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Younkin, Mr. Speaker.

Total 2

**HB 277** - Representative Lindeen moved consideration of **HB 277** be placed at the bottom of the second reading board. Motion carried.

**HB 283 - Senate Amendments** - Representative Fuchs moved Senate amendments to **HB 283** be concurred in. Motion **failed** as follows:

Ayes: Cohenour, Dickenson, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Musgrove, Wanzenried.

Total 14

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Voted Absentee: Facey, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 303 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 303** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.  
Total 86

Noes: Bixby, Buzzas, Carney, Cohenour, Dickenson, Erickson, Gallik, Galvin-Halcro, Jayne, Kaufmann, Raser, Small-Eastman, Weiss.  
Total 13

Voted Absentee: Facey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Cohenour, Franklin, Gillan, Jayne, Smith, Wanzenried.  
Total 6

Excused: Facey, Windy Boy.  
Total 2

Absent or not voting: Buzzas.  
Total 1

## MOTIONS

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 211** Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Vice Chair  
Representative Everett  
Representative Bixby

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 283** Motion carried.

The Speaker appointed the following members:

Representative Fuchs, Chair  
Representative Balyeat  
Representative Jent

Representative Thomas moved **SB 39** be taken from the table in the Committee on Judiciary and be placed on second reading Legislative Day 75.

Representative Ripley moved to table previous motion. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, D. Brown, Callahan, Cyr, Devlin, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Golie, Hawk, Hurwitz, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Weiss.

Total 47

Noes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Fisher, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Jackson, Juneau, Kaufmann, Lange, Laslovich, Laszloffy, Lawson, Lewis, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 51

Excused: Facey, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Representative Gallus moved previous question. Motion carried.

Motion that **SB 39** be taken from committee and be placed on second reading (requiring 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Dickenson, Fisher, Gallik, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Juneau, Kaufmann, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, D. Brown, Callahan, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Lehman, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, A. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Wagman, Wanzenried, Weiss, Wilson.

Total 50

Excused: Facey, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Representative Small-Eastman moved to **suspend the rules** for the late drafting, printing, and transmittal of a resolution. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 70

Noes: Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Devlin, Everett, Fisher, Hawk, Hedges, Jackson, Kasten, Lake, Lange, Laszloffy, Malcolm, Mendenhall, Morgan, Ripley, Rome, Ryan, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Weiss, Witt.  
Total 28

Excused: Facey, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

## **SPECIAL ORDERS OF THE DAY**

### **Legislative Memorial service April 6, 2003**

#### **FRANCIS BARDANOUE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Francis Bardanoue on March 17, 2002 in Havre, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Bardanoue be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Francis Bardanoue, the second longest-serving legislator in Montana history, was born in Harlem, Montana on December 10, 1917. He was the son of Blaine County homesteaders, John Bardanoue and Alice Miller Bardanoue. He graduated from Harlem High School in 1937 and both he and his wife, Venus, were awarded Honorary Doctorates of Letters from Montana State University in 1996.

Francis married Venus Potts in Harlem, Montana, 1967, where they lived on the Bardanoue ranch, the third generation of Bardanoue ranchers. Francis deeply loved their three children, Kathleen, Elizabeth, and Dr. Kedric Cecil.

Francis Bardanoue was a man of integrity. He was elected to the Montana House of Representatives in 1959 where he served for 36 years. He held the respect of his colleagues for his honesty, hard work, and integrity. His longevity earned him the title 'Dean of the House'.

He was chairman of the House Appropriations Committee where he helped shape and set policy that balanced the needs of the people of Montana. He inspired people to not only advocate with vigor, but to balance the scales of financial justice. Representative Bardanoue still holds the record for moving an appropriations bill through the legislature in only three days.

Francis Bardanouve was very theatrical. He often sat in his chair, eyes closed, head on his chest. About the time people assumed he was dozing, Francis would sit straight up, slap the table with his ham-like hand, and loudly declare, "Just a minute!" Then, to everyone's amazement, he would recount statements that had been made by witnesses, followed by his usual penetrating questions.

He was a compassionate legislator leading the effort to redesign Montana's institutions for our most vulnerable citizens. Early in his legislative career, he visited the Montana Development Center in Boulder where a young boy reached up and took his hand. From that bond, Francis returned to the legislature the next day and embarked on a continued effort to improve conditions at the Center.

He supported projects in north central Montana with his own personal funds, although he seldom allowed that fact to be publicized. The story has been told that Francis would arrive unannounced in various Montana communities asking, for example, "show me that new boiler we appropriated funds for last session." Other state-supported institutions also received such requests if Francis happened to be driving through their community. He was especially proud of his service on the farm supervisory board at the state prison and was responsible for making the state of Montana permanent owners of Charlie Russell's art.

Always a gentleman, Francis will long be remembered in the Montana legislature for his courteous treatment of everyone. His love for Montana was total and his accomplishments profound and remembered. Francis fulfilled his purpose of making Montana a better place for all.

He is survived by his wife Venus, and daughters Elizabeth Kuntz and Kathleen Barnes, son Kendric Cecil, eleven grandchildren and ten great-grandchildren.

#### **FRED O. BARRETT**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Fred O. Barrett on December 8, 2002 in Moore, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Barrett be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Fred Barrett was born May 31, 1932 in Lewistown, Montana. He attended school in Hobson and graduated from Hobson High School. He then attended the University of Montana where he received a bachelor's degree and later a master's degree in guidance/counseling.

Fred served in the U.S. Army from 1952 to 1954 taking supplies to Alaska in the summer.

Fred was united in marriage to Roberta Miller of Helena in July 1963. They later divorced. There were no children born of the marriage.

Fred was State Representative for Fergus County for three terms in the early 1970s.

Fred taught at Fergus High School and was also an assistant principal for 14 years. Following his school career he was an adjuster for the State Hail Insurance. After retiring, he kept busy painting houses for others, cultivating flowers in his small greenhouse, enjoying his cats and the mountains of Montana.

Fred is survived by a sister, Delores Sharpe of Helena and two brothers, Patrick of Hobson, Montana and Howard of Carson City, Nevada.

#### **DALE E. BERRY**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the

State of Montana record the passing of Dale E. Berry on July 5, 2002, in Hamilton Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Berry be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dale E. Berry was born in Sidney on February 6, 1939. Dale passed away unexpectedly on May 17, 2001, in Hamilton, as a result of a pulmonary embolism.

For 62 years, Dale lived a colorful, energetic and highly productive life. He touched many lives as an educator, coach, business person, community supporter and friend to many.

Dale grew up in Fairview and attended the University of Montana on a football scholarship. He earned a degree in education with teaching certifications in physical ed, sociology, and drivers education. He was a member of the Montana National Guard and saw active service in 1961 and 1962.

On August 10, 1963, Dale married Dorothy Cecrle in Hobson, Montana. He started his first coaching and teaching job at Denton, where he coached football, basketball and track, and managed the swimming pool in the summer. From there, the Berrys moved to Roundup where Dale taught and coached. Four years later, they relocated to Hamilton where Dale taught and coached for twenty more years.

Then Dale became fully involved in a real estate career, which he had pursued on a part-time basis while still teaching. In 1989, he started his own firm, the Greater Montana Land Company. This firm developed offices in Lewistown and Fort Benton in addition to the Hamilton location.

Dale Berry contributed generously of his time, energy, and creative thinking to his community and professions. He was highly respected and recognized in each of his many fields of endeavor. As a coach, he spent eight years as a Class A representative on the Board of Directors for the Montana Coaches Association, then was elected president for four years, and served as past president for four years. In 1988, he was inducted into the Montana Coaches Hall of Fame.

As a realtor, Dale was president of the Local Board of Realtors. In 1996, he was elected by his peers as 'Realtor of the Year'.

He served as an original member of the Hamilton School Foundation Board, and for several years, president of the Bitterroot Chamber of Commerce. He served as chairman of the Chamber Economic Development Committee and of the Port Authority Ad Hoc Study Committee. He was the Bitterroot Valley 'Business Person of the Year' in 1997.

In 2000, Dale ran for and was elected to the Montana House of Representatives. Before the session convened, a vacancy occurred in his Senate District and Dale was appointed to fill it. He was chosen by his colleagues to the position of Majority Whip for the 2001 session. He demonstrated great potential for a career in politics. However, fate intervened, and Dale's untimely passing prevented him from serving the second year of his term.

In addition to his wife Dorothy, Dale leaves behind two sons, Brad of Missoula and Brian of Hamilton, his mother, Gertrude Melby, of Laurel, and his brother, James Berry of Ellensburg, Washington.

#### **HENRY STUART COX**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Henry S. Cox on March 30, 2001 in Billings, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Cox be filed on the official



records of this Assembly and the following facts relative to his career are hereby noted:

Henry S. Cox was born Francis Wilkes in Chicago, Illinois, March 24, 1923. He was adopted at 6 weeks old by Henry D. and Kathryn Cox, who named him Henry Stuart Cox. At a young age, he moved with his father to Ohio where he was raised by a loving extended family.

On April 11, 1944, Henry met his future wife Doris Buzard at a county music festival while he was a student at North Lima, Ohio, High School. They had 56 wonderful years of marriage. Their mutual love of music and singing was one of the interests Hank and Doris shared. They raised five children - Karen, David, Jeanne, Mary and Danny.

Hank graduated from High School in 1941 and in the fall entered Kent State University on a baseball and basketball scholarship. He played semi-pro baseball for a time. WWII interrupted his education and he promptly enlisted in the U.S. Navy. He served in the Pacific on the aircraft carrier U.S.S. Wasp until his discharge in August 1945.

After the war, Hank re-entered college under the G.I. Bill, graduating from the University of Wyoming in 1952 with a degree in education. Hank taught several high school subjects and coached all sports including American Legion Baseball.

In 1956, Henry moved his family to Billings where he became a popular government teacher and coach at Billings Senior High School. He continued teaching full time and coaching golf until his retirement in 1985. During 32 years in education, he touched the lives of many students, parents and fellow educators. When asked later in life what he had taught, he would always say, "I taught kids!"

Representative Sue Dickenson spoke as also being one of Hank's "kids." She credits Hank with her interest in public affairs and running for the legislature. "Mr. Cox introduced ideas and questions in civics class which truly sparked critical thinking. Mr. Cox stressed the importance of, and the fun, in serving your community through public service. Mr. Cox was truly an inspiration to me; an honest, hard-working man with a great sense of humor and a strong sense of public responsibility."

Hank turned his love of government and politics into action when he was elected to the Billings City Council in the early 1960s. In 1966, he was elected to his first term in the Montana House of Representatives. In 1970, he was re-elected to his former seat in the Legislature where he served two additional terms.

Hank served as the Billings Mustangs' public address announcer for 20 seasons. He was a member of the Lutheran Church of the Good Shepherd. Throughout his life, he was a faithful witness for Christ.

Hank is survived by his wife Doris, and his five children and numerous grandchildren.

#### **GLEN LYMAN DRAKE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Glen Lyman Drake on December 12, 2001 at the UCLA Medical Center, California.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Drake be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Glen Drake was born September 29, 1927 in Billings, Montana. He was raised on the family's Duck Creek Ranch, a dry-land wheat ranch south of Billings. He attended public school in Laurel and Billings graduating from the Northwest Nazarene Academy in Nampa, Idaho in 1945, then entered the U.S. Navy at age 17 serving in Adak, Alaska. He attended Eastern Montana College earning a Bachelor of Arts, and the University of Montana where he received a Law degree graduating in 1955.

Glen was united in marriage to JoMae Chase September 10, 1954 in Rochester, Minnesota. They lived in Butte, Billings, and Great Falls before settling in Helena where they lived for 35 years and raised their family of five sons - Curtis, Jeffrey, Charles, Joel, Carl and two daughters Leslie and Patty. He had a happy, caring, fun-loving personality and was a championship bowler, avid golfer, loved fishing, writing humorous limericks, singing and spending time with his family.

Glen was a member of the Helena law firm, Keller, Reynolds, Drake and Gillespie. He served as Senator to the Montana Legislature from Lewis & Clark County from 1970 to 1976, serving as a Member of the Legislative Council from 1975 to 1976.

Knowing he was nearing the end of his life, Glen Drake bravely took part in the Abucar Mechanical heart experiment at the UCLA Medical Center and was only the fourth man in the world to receive this type of mechanism. He participated in the experimental surgery to enhance the lives of others. He lived two months and six days at the Medical Center until he passed away due to complications from the surgery. For this, he will be remembered as a hero by his loving family and all who knew him.

Glen is survived by his wife of 48 years, JoMae, their seven children and ten grandchildren.

### **WILLIAM ALBERT "BILL" GROFF**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of William Albert Groff on July 5, 2002, in Hamilton, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Groff be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Born in Victor, Montana on February 17, 1920 to Houston and Julia (Vicc) Groff, William Albert "Bill" Groff was the son and grandson of early Bitterroot pioneers. Julia Vicc was the first child of settlers to be born on the west side of the Bitterroot River. Houston Groff was an area rancher, teacher, legislator, and banker. Bill grew up on the family ranch west of Victor and attended the Victor school where his mother and father had been teachers.

He attended Kemper Military Academy in Missouri, the University of Texas, and the University of Montana. Following his graduation from U of M with a Bachelor's Degree in Business Administration, Bill enlisted in the Army in 1941, and served his country in the South Pacific Theater. He received an honorable discharge as First Lieutenant in February, 1946.

In 1946, Bill married Phyllis Ann Wiesener of Tuscola, Illinois. They made their home across from the family ranch in Victor where they raised their two daughters, Ann and Kay.

Following in his father's footsteps, Bill served as president of Farmers State Bank of Victor. He served on the bank's Board of Directors and was active in the bank until the time of his death.

Bill followed his father's example once again when he was elected to the Montana State Senate in 1954. He remained in that position for twenty years, serving as Chairman of the Finance and Claims Committee and Majority Floor Leader.

Retirement from the Senate wasn't the end of Bill's service to the state of Montana. He became Director of the Department of Revenue in 1979, after working in the department for the preceding two years. In addition, Bill served as a member of the Western States Water Rights Commission, the National Association of Tax Administrators, Chairman of the Montana Board of Housing, and a member of the Montana Commission on Practice.

The Masonic Lodge #43, VFW, Elks, the Victor Senior Citizens, the American Legion, the Eagles and the Victor School Foundation, were some of the many civic organizations to which Bill contributed considerable time and resources.

In addition to his wife, Phyllis, Bill is survived by his two daughters, Ann and Kay. The family had asked that friends could make a contribution to the Victor School Foundation where Bill's parents had been early teachers. The Victor School had been an integral part of his life from the time he entered first grade until his death. With those memorials and other resources, the Victor School W.A. Groff Memorial classroom will soon be a reality.

### **HOWARD "SWEDE" HAMMOND**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Howard "Swede" Hammond on October 22, 2001, in Malta, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Hammond be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

The Montana Hi-line and Howard W. "Swede" Hammond seem to belong together. He was born in Westby in 1917, grew up in Whitewater, and got the basics for a teaching degree at Northern Montana College. His first teaching job was in Bainville in 1939. He spent most of the remainder of his life as an educator at Big Sandy.

Swede was absent from the Hi-line for only three periods: while in the service of the US Air Force in World War II, while earning bachelors and masters degrees from the University of Montana, and during the six terms he served in Montana's Senate.

Swede earned teaching majors in math, history and physical education. He taught all those subjects and more. He spent 27 years in the Big Sandy school system as teacher, coach, and school principal. Upon retirement, he and his wife Ella settled in Malta.

Swede was more than a devoted educator. He was more than a good coach. He was their mentor and friend. Charlie Klimas, an alumnus of Big Sandy School, recalled his high school principal: "The year I was a senior in high school, there were twelve kids on the Big Sandy basketball team and there was only one that had his original dad...[Swede] was certainly a second father to a lot of kids. "

He was just a wonderful person and role model for all of us. He had such a great sense of values, believed in God and family and country."

Upon retiring from his long and distinguished career in teaching, coaching, and school administration, Swede Hammond ran for and was elected to the Montana Senate in 1979, where he served for twelve years.

Many Hi-line organizations and projects benefitted greatly from Swede Hammond's generous contributions of time, counsel, and resources. Those groups include the Boards of Big Sandy Medical Center and Lutheran Home of the Good Shepherd. He helped create the Big Sky Christian Youth Ranch and worked with the Montana American Legion Boys State, Montana State Association of Student Councils, Montana Coaches Association, North Central Montana School Administrators, and North Central Montana High School Principals. He was also a member of VFW, American Legion, Malta Rotary Club, and Shrine Club.

He is survived by his wife, Ella, a daughter Patricia, two sons Michael and Howard, a sister Beverly Haugen of Kremlin, and two brothers, R.A. and Milton. There are nine grandchildren and one great-grandchild.

### **WARREN WAYNE HARPER, SR.**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Warren Harper, April 3, 2001 in Parkdale, Oregon.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Harper be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Warren Wayne Harper, former Montana State Representative, was born August 4, 1930, in Livingston, Montana to Willard and Emma McKinney Harper.

He grew up and attended school in Livingston. Warren entered the U. S. Army and served during the Korean War as a paratrooper in the 187<sup>th</sup> and 82<sup>nd</sup> Airborne Division.

Warren was awarded two Purple Hearts and a Bronze Star for his distinguished military service. Warren was discharged from the service in 1952 and returned to Livingston where he worked for the Northern Pacific Railroad as a trainmaster. He retired in 1978 after 24 years of service.

Warren married Annabelle Mercer on August 15, 1954. The couple later divorced. He married Gayle Marchesi Michaels on August 18, 1973, in Coeur d'Alene, Idaho.

Warren Wayne Harper proudly served two terms in 1961-1966 as a Montana State Representative.

He was an active member of the Disabled American Veterans throughout his life in Livingston and Hood River, Oregon. He loved gardening, feeding birds, and all of nature. He is remembered as an enthusiastic brother, and son, who fully enjoyed life.

Warren is survived by his wife Gayle; his sons Wayne and Kenneth, his four daughters, Desta, Dawn, Karen, and Katherine; his brothers Williard, John, and Howard; his sister Lucille; and 13 grandchildren and three great-grandsons.

### **BURT L. HURWITZ**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Burt L. Hurwitz on October 3, 2001 in White Sulphur Springs.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Hurwitz be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Burt Hurwitz was born August 16, 1911 in Butte, Montana. Due to his mother's ill health, the Hurwitz family moved to Olean, New York about 1918 where Burt grew up and completed high school. Burt entered the University of Montana forestry program in September of 1934.

Burt met June Bower at the U of M and they were married September 28, 1935 in Spokane, Washington.

During the next two years, Burt worked every job he could on weekends and Christmas vacations. The young Hurwitz couple's summers were spent at or near various ranger stations where Burt would work as an intern as part of his Ranger training. He worked on Forest Service lookouts and ran CCC crews in the summers.

He completed his forestry degree in 1938. He was hired by the U.S. Forest Service and after several other assignments, he was transferred to White Sulphur Springs in 1944 as the forest ranger.

A 94-year-old rancher made it possible for Burt to purchase the Shannon Ranch. In 1950, their first summer on the ranch, the couple spent their life savings to put up hay using horse-drawn equipment.

They renamed the ranch the Lazy BH and despite dire predictions, fluctuating cow prices, rising interest rates, droughts, floods, and forest fires Burt and his family endured and prospered. Burt was named Outstanding Forestry School Alumni of the Year in 1985.

From a young age, Burt had a conviction that community service was an important part of life. He became involved in the White Sulphur Springs community by serving on the local school board. He was urged to run for county commissioner in 1953, a post he won, and held, for the next 23 years. He felt strongly that county commissions needed to unite to bring the voice of county government to the legislature and was instrumental in the founding of MACO, Montana Association of Counties, serving as its first president.

Burt was elected to the Montana House of Representatives in 1976 and was re-elected for two additional terms. After serving as chairman of the Human Services Subcommittee on Appropriations in 1981, Burt decided not to seek re-election. He was then appointed by former Governor Ted Schwinden to the Board of Regents; a position he held for seven years. The State of Montana has benefitted from his belief in the importance of community service and his dedication.

Burt's greatest love was the 50 years he spent ranching in Meagher County.

Burt and June were blessed with four children; sons Dan, Ben, and Michael, and a daughter, Rosana. All four children, including his wife June, survive him, as well as his nine grandchildren.

### **PETER VORIOUS JACKSON III**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Peter V. Jackson III on July 9, 2002 at his ranch in Harrison, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Jackson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Peter Jackson III was born May 18, 1927 in Butte, Montana. At the age of 16, he bought his first piece of land for his 4-H sheep project. He was very proud to have been the first 4-H'er in Madison County at the age of 12. Peter was also the first winner of the Little International Livestock Exposition in Bozeman.

Peter graduated from Harrison High School in 1946 and later enrolled at Montana State College in Bozeman majoring in business, with a dream of becoming a county extension agent.

Peter and Johnneta Peirce were united in marriage in Whitehall on April 29, 1949. To this union three sons were born, Ward, Jon, Mark; and two daughters, Shelly, and Emily.

Peter was very active in supporting his community, county and state. He was president emeritus of the Madison County Fair Board, beginning his service to the board in 1951. He served on both the Norris and Harrison School Boards.

He served one term in the State Legislature from 1971-1973, when all of the bills he sponsored were passed. He was the executive vice president of the Western Environmental Trade Association for nine years and a member of the Montana Extension Advisory Council.

Peter had many accomplishments in his life and received numerous awards. He was a life member of the Society for Range Management. He was the first recipient of the Frederic G. Renner Award in recognition of his distinguished

accomplishments in promoting range management. He was state president of both the national and Montana Conservation Districts. He was the national secretary-treasurer of the Grazing Lands Conservation Initiative.

One of his proudest achievements was writing the Montana State Lands Range Conservation Plan; a plan still in use today. In 1959, he built the largest Soil Conservation Service earthen dam in the United States, creating the Norwegian Creek Reservoir.

His most cherished moments were having his home full of grandchildren and great-grandchildren. He is survived by his sons Ward and Jonathan, his daughter Michelle, his sister Bobby Paige, his grandchildren and great-grandchildren.

#### **OSCAR SEIGEL KVAALEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Oscar S. Kvaalen on April 11, 2002 in Sidney, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Kvaalen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Oscar Seigel Kvaalen, former House Minority leader and Richland County rancher, was born January 1, 1921 in Lambert, Montana, the oldest of four children. His Father, Ostein, was a Norwegian immigrant and homesteader. Oscar was raised on a farm south of Lambert.

"The dirty thirties," as they were called, were a reality to the farm kids in the Lambert area. Oscar often talked of school activities--playing basketball in the school basement gym, and moonlight outdoor trips.

He graduated from Lambert High School and went on to attend Concordia College in Moorhead, Minnesota, where he graduated with a Bachelor of Arts degree. Later, he took graduate courses in range management at the University of Montana.

Oscar enlisted in the U. S. Navy in 1942 and served as a radar officer aboard the U.S.S. Fond Du Lac in the South Pacific Theater. He returned after the war to the Lambert area where he spent most of his life as a farmer and rancher. Oscar truly enjoyed his two grandchildren, Olivia and Lars.

Following college, Oscar worked for the Soil Conservation Service and the State Land Department before returning to the family homestead in Lambert.

Oscar married his childhood neighbor, Ruth Johnson, March 5, 1960 in Sidney. They lived on their farm south of Lambert where they raised two children.

Oscar was elected to the Montana House of Representatives where he served from 1959 until 1979, except for one legislative session. He was a member of the Ways & Means, Fish & Game, Appropriations, and Rules Committees. Representative Kvaalen also served eight sessions as a member of the House Education Committee.

Oscar was a member of the First Lutheran Church in Lambert. He was a very private man who enjoyed reading, especially history. Although he was very busy as a farmer and Representative, Oscar always had time for company, especially his children. He and Ruth enjoyed horseback rides with their family into the badlands of Burns Creek.

Oscar is survived by his wife Ruth, son Jon, daughter Elizabeth Knotts, brother Arne, two sisters, Gene and Joyce Carlson and two grandchildren.

## **JANET LEE MOORE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Janet Lee Moore on April 7, 2001, at her Swan Valley Home.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mrs. Moore be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:

Janet Moore was born in Walter Reed Hospital, Washington, D.C. on February 12, 1935. She and her sister, Kathleen, spent much of their girlhood with their aunts and uncles on a North Carolina farm and in Washington, D.C.

Janet worked for 17 years for the United States Departments of Treasury, Defense, and Agriculture. Her fondest memory of that early work was helping prepare President Eisenhower's paychecks. She also worked at the national headquarters of the U.S. Forest Service.

Janet married Frank Fitzgerald in 1952. Four children were born to Janet and Frank: Susan, Kevin, Joe, and Nancy. Frank and Janet divorced in 1970. She married Bud Moore in 1971 and moved to Missoula.

Always active in her community, Janet organized efforts to improve treatment of juvenile offenders. She helped organize the Montana Trappers Association and served as its first lobbyist to the Montana Legislature.

In 1983, Janet was elected as the first legislator to Montana's newly formed House District 65, and was re-elected to two additional terms.

As a State Representative, Janet's particular interests were related to wildlife, veterans' rights, and labor issues. She is remembered as a popular legislator who worked year-round helping people interpret legislation.

In addition to her tenure in the Montana House of Representatives, Janet devoted much time and support to many other civic interests. The Missoula Lady Lions Club benefitted from Janet's contributions, as well as Swan Valley Community Club in Condon. She also served as president of the Swan Valley - Condon Chapter of AARP.

Janet and her husband, Bud, co-owned Coyote Forest Management, an active business in the Swan Valley.

Janet's unconditional love for Jesus carried her through a thirteen-year struggle with cancer. Janet is survived by her husband, Bud, daughters Susan and Nancy, their sons Kevin, and Joe, their stepdaughter, Vicki, and stepson William.

## **MARCUS V. NICHOLS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Marcus Nichols on April 17, 2000.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Nichols be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Marcus V. Nichols was a Veteran of World War II, a Captain in the United States Air Force, a farmer who loved the land, a gifted speaker, and a poet. He was born July 14, 1915 on the family homestead near Square Butte, Montana and graduated from Geraldine High School. In 1938, he received his bachelor of science degree in pre-medicine from the University of Montana.

Marcus married Ruth L. Faucett on November 28, 1945 and they had three children. Ruth passed away in 1982. In 1983, he married Patricia Weatherford of Kalispell. They spent their winters in Mesa, Arizona and summers in Kalispell.

Marcus was very active in the Eastern Star, serving as Grand Worthy Patron of Montana in 1965, and later as Right Worthy Grand Trustee of the International OES for 10 years. He was a member of Adah Chapter #17, OES of Kalispell and Denton Chapter #72 of OES. He was also past master and 60 year member of Pilgrim Lodge 102; belonged to York Rite, Algeria Shrine; the Elks Club; the American Legion; Lakeside Community Methodist Church; and associate member of Our Saviour Lutheran Church in Mesa.

As a gifted speaker, he was sought out for his programs on Americanism and his poetry presentations. He gave freely of his time and resources to aid his church, community, state, and fellow man. Sustained by his faith in God, he worked for the betterment of all.

Marcus proudly served one term in the House of Representatives in 1947.

He is survived by his wife Patricia of Kalispell, son Marcus of Lakeside, and daughters Nila of Billings, and Karol of Great Falls.

### **JERRY LYNN NOBLE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Jerry L. Noble on December 23, 2001, in Great Falls, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Noble be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Jerry Lynn Noble, Montana Senator, businessman, and barber shop vocalist, was born on March 11, 1937 to Robert and Madella Noble in Great Falls. He received his early education in Great Falls and attended the College of Great Falls. Following his military discharge from the U.S. Marine Corps, Jerry spent the rest of his life working in the tire business.

Starting at a very early age, Jerry Noble shared his time and many talents with the community of Great Falls. As a child, he was active in the Boy Scouts, achieving the rank of Eagle Scout. As an adult, he was an active member of the Elks Lodge, Great Falls Transportation Club, and the Assembly of God Church and the Great Falls Drum and Bugle Corps. He was a member of a Great Falls barbershop group, where he sang baritone.

In 1977, Jerry formed Jerry Noble Tires. Jerry, his son, Chuck, and long-time family friend, Dean Whitmore, later opened the Jerry Noble Tire Factory in 1999.

He demonstrated his commitment to his industry as past director of the Montana Tire Dealers Association and past director of the National Tire Dealers Association.

Jerry was married to Darlene Bolta. The couple later divorced.

Jerry was elected to the Montana Senate in 1986, and served one term, choosing not to seek re-election. Senator Noble was particularly interested in legislation related to the Montana Department of Environmental Quality.

He is survived by his mother, Madella Noble, sons Chuck and Ken, all of Great Falls, and his daughter, Diane, of Portland. Jerry is also survived by his brother, Ed, and sisters Linda Logan and Cheryl Pinsonneault.



### **J. DONALD OCHSNER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of J. Donald Ochsner on September 7, 2001, at his home south of Miles City, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Ochsner be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

J. Donald Ochsner started life in Nebraska on October 25, 1919. He attended schools in Stanton County and graduated from Madison (Nebraska) High School. Soon after, he moved to Montana where he worked for his sister and brother-in-law. He attended Montana State College in Bozeman and earned a diesel engineering degree.

On November 19, 1940, in Madison, Nebraska, Don married Fern Barrett.

His ranch was his life. He farmed one year in Nebraska, and worked for a Miles City rancher before being able to have his own spread. He is credited with helping many Miles City ranchers build reservoirs on their farms and ranches.

He loved the land and his animals. Donald was happiest moving dirt with his Caterpillar to build roads and reservoirs, and when riding his favorite horse "Blue" with his cow dog at his side.

In addition to the time he spent on his farm and ranch, Don led an active civic life. He contributed generously of his time, talent, energy, and knowledge to many civic and professional organizations on a local, regional, and state level.

He was past President of the Montana Farm Bureau, a 4-H leader, and State 4-H Council President. He was a longtime member and past President of the Board of Directors of the Rural Fire Association, and at the time of his death, was on the Board of Directors of the Eagles Manor. He served as Trustee and Elder of the First Presbyterian Church. Don was a member of the local Gideons, worked with the Northern Plains Council, and served on a local school board.

From 1981 to 1985, Don represented his Senate District in Montana's Legislature.

In later years, Don enjoyed traveling and spending winters in the South.

In addition to his wife Fern, Don is survived by two sons, Jay and Gary, and two daughters, Janet Steinley and Susan Beausoleil. There are ten grandchildren, including two grandsons currently in the military. A host of great-grandchildren also survive.

### **ROBERT JAMES RASMUSSEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Dr. Robert James Rasmussen on April 15, 2001 in Des Moines, Iowa.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Dr. Rasmussen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dr. Robert James Rasmussen, Montana statesman, physician, and public servant, was born August 1, 1926 in Clinton, Iowa to Otto and Helen Rasmussen. He attended grade school and high school in Clinton.

Robert was a graduate of Northwestern College of Chiropractic in St. Paul, Minnesota, and later attended LaSalle

University where he was awarded a law degree. Dr. Rasmussen served his country in the Army both in World War II and the Korean War.

Dr. Robert Rasmussen and Rita Ann Schaper were united in marriage November 17, 1951 in Beloit, Wisconsin. To this union were born five children. The Rasmussens lived in Glasgow until 1969 when they moved to Des Moines, Iowa.

Dr. Robert Rasmussen was a devoted and well-rounded public servant both in Montana and Iowa. He was an executive director of the Iowa Chiropractic Society and a director of professional affairs for the American Chiropractic Association.

Robert served in the Montana State Senate, District 5 in 1967, and served as an alderman and three-term mayor of the city of Glasgow. He was an officer in the Valley County Democratic Party and chairman of the City-County Planning Board of Valley County.

Robert had a special interest in the field of agriculture and in the areas of city, county, and state planning. He was particularly interested in all aspects of the healing arts and nursing, properly financed public health care, and public education. He was a member of the Elks and the Knights of Columbus, serving as Grand Knight.

He is survived by his wife, Rita, sons Mark and Stephen, three daughters, Mary, Paula and Ann and six grandchildren.

#### **WINSTON "GLENN" SAUNDERS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Winston "Glenn" Saunders on July 25, 2002, in Columbus, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Saunders be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Glenn Saunders was born in Richland, Oregon, on April 24, 1916. He had been a Montanan since the age of two, when the family moved to Stillwater County. From that time, with the exception of three years when the family lived near Luther, Glenn spent his life in Stillwater County.

Glenn married Helen Mason on June 13, 1938. They made their home on Countryman Creek and also in Columbus where he farmed and worked as a high lineman and rewired homes. In 1937, he helped map Stillwater County for the ACP program. In 1956, he became the office manager of the county ASCS and represented Montana at many national conventions.

Following his retirement from a career with government agriculture programs, Glenn was elected to the Montana House of Representatives in 1982 and served for one term.

Glenn was an avid outdoorsman. He loved the time he spent hunting, fishing, trapping, and backpacking with his sons and grandsons. He was a master small bore competitor, and was one of the main organizers of the Stillwater Rifle and Pistol Club. He was a life member of the Yellowstone Rifle Club, Montana Rifle and Pistol Association, and the National Rifle Association.

Glenn was an accomplished photographer and writer. He wrote a weekly article for the ASCS in the local paper, articles for the Outdoor Life and American Rifleman, and was pictured on the front page of the Outdoor Life following a goat hunting adventure in the 1950s.

Glenn gave generously of his time and talent to his community and church. He was an active member and past treasurer of the Columbus Congregational Church, the Stillwater Masonic Lodge, and Kiwanis. He served on

boards of Rainbow Girls and DeMolay.

Glenn fought a long and valiant battle with Parkinson's disease. He is survived by Helen, his wife of 64 years, his two sons Ralph and Bruce, his daughter Glenda, his brother, Tom and sister, Cleora Russell, several grandchildren and great grandchildren.

#### **PAUL SLITER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Paul Sliter on August 15, 2001, in Helena, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Sliter be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Paul Sliter, former House of Representatives Majority Leader and rising Montana statesman, was born in Kalispell, May 5, 1969 to Everit and Nikki Sliter. He graduated from Flathead High School in 1987 and received a bachelor's degree in political science from the University of Montana where he was a student lobbyist and a member of the student senate.

Thus began the extraordinary political life of Paul Sliter, the articulate Montana leader from Somers with a contagious vitality for life and the gift of political wit and savvy.

The Sliter family has been in the lumber and hardware business for more than 60 years, and Paul worked in the family business. Paul and Elaine Johnston were married in 1997. They are the parents of a daughter, Morgan. Paul continued his political career as an intern for Senator Conrad Burns in 1992 and as a lobbyist and intern for the Montana Petroleum Marketers Association in both 1991 and 1993.

Recognized as an outstanding leader with an intuition for public policy and business, he was elected to the House of Representatives in 1994 and re-elected in 1996, 1998 and 2000. Representative Sliter served as House majority whip in 1999 and House majority leader in 2001.

He was a staunch Republican who knew how to rally his team before and during political debates. A leader in every sense of the word, Paul valued communication with both Republican and Democratic colleagues and was respected for his ability to bridge party differences.

Secretary of State Bob Brown remembers Paul Sliter: "You think of Paul, you see him smiling. He was always upbeat. He was always positive. He had this wonderful zest for life, and the grand competition in politics."

His devoted colleague, former House Speaker Dan McGee remembers Paul's complete devotion to his family, his love of the political arena, and his love for Montana.

Paul is survived by his wife, Elaine, and his daughter, Morgan; his parents, Everit and Nikki Sliter; and his brother and sister-in-law Justin and Jennifer Sliter.

#### **BENNETT H. STEIN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Bennett Harris Stein on December 14, 2001, in Livingston, Montana.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Stein be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Bennett Stein was born November 15, 1915 in Ravinia, Illinois. His father was a very successful lawyer, with a

client list that included the famous entertainers of the time, Amos and Andy. The senior Steins entertained frequently, sometimes hiring Guy Lombardo to provide the music.

After studying English Literature at Dartmouth for a time, Bennett hitchhiked out west, catching a ride on the back of a potato truck. "When he found Montana, it was the right place for him. "No one could have loved a land more than he loved Montana," according to his daughter, Linda Stein. Ben married Hildegard Balke in 1939 and they purchased a small dairy farm near Darby, where they lived for two and a half years, learning from the neighbors how to milk and butcher. They had five children and, in Ben's words, "spent wonderful days together in the ordinary routine of six square miles."

Ben worked as a journalist at the Great Falls Tribune and branched out into cattle ranching in the Shields Valley. Ben and Hildegard divorced in 1966.

In 1967, Ben purchased his place at the foot of the Crazy Mountains, married Glenna Hamilton and lived happily with her until Glenna died during heart surgery in 1978.

Ben continued to live a physically active life. He did some logging, had to snowshoe in part of most winters. He thrived on keeping fit and felt fortunate to ski, canoe, dance and hike the hills until he was past 80 years old. Linda remembers "at eighty, he could tire me out climbing up a mountain".

Ben edited and compiled the book "Tough Trip Through Paradise," the diaries of mountain man Andrew Garcia. It was first printed in 1967, and has been reprinted many times.

For the last six years of his life, he was limited to a sedentary lifestyle in Livingston on his four acres and with a view of the Absarokas. He then indulged himself in his love of reading.

A simple life in the presence of the Montana mountains defined Ben's existence for most of his life. When he was an English Literature major at Dartmouth, he wrote a paper entitled "Wordsworth and a Future Farmer," which his daughter Linda found and read after his death. It encapsulated the spirit with which he lived. Linda relates "In it, my father described his experiences spending months at a time in the wilderness since the age of seven, and working as a hired hand on farms as a young man. Both he, and Wordsworth, believed that an 'inner richness' could be gleaned from a life lived simply, in the presence of nature."

Ben served in the State Senate representing Park County for 14 years, from 1957 to 1971. His legislative service was distinctive in that he served part of it as a Democrat, and part as a Republican. But family and friends say he was always an independent at heart. At the time of Bennett's passing, former legislator and Supreme Court Justice Jean Turnage characterized him as "probably one of the most intelligent people that ever served in the Montana Legislature."

Bennett Harris Stein is survived by his five children, Karen, Linda, David, Leslie, and Peter and two grandchildren.

### **LEONARD E. VAINIO**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Leonard Vainio on April 10, 2001 in Missoula County.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Vainio be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Leonard was born February 3, 1939 in Butte, Montana. From the start of his education at St. John's Elementary in Butte, Leonard excelled in scholastics. He graduated from St. John's Elementary and Boys Central. He was valedictorian for the class of 1957 and was a recipient of several scholastic scholarships. After graduating from Boys Central, Leonard attended Seattle University on a baseball and basketball scholarship. He had the privilege to

play with NBA hall-of-famer, Elgin Baylor.

Leonard attended the University of Washington Dental School for one year. He had excellent gross motor skills but decided his fine motor skills required for caring for teeth were not up to par. Therefore, he elected to attend optometry school. He received his bachelors and his Doctor of Optometry degrees from Pacific University in Forest Grove, Oregon, in 1964.

In 1965, after returning to his hometown of Butte, he acquired the existing optometric practice of Dr. R. C. Haser. He later expanded this practice with satellite offices in Sheridan and Whitehall. With his brother, Dr. David Vainio, Leonard co-founded the American Eye Care Centers. Through this organization, the optometric practice was extended to most major Montana cities and Washington state.

Leonard was active in youth activities in Butte, excelling in baseball and basketball. His baseball career included American Legion, Seattle University, and the Copper League. He was one of Butte's premier shortstops. In the 1960s, he taught a 'baseball school' for Butte youths, training them in the fundamentals of the sport.

Leonard's basketball achievements were highlighted by membership on the 1956 Butte Central "Big 32" state championship team. With the championship game falling on St. Patrick's Day, the team appeared on the floor in green uniforms, to the delight of the crowd. This 1956 champion team was inducted into the Butte Sports Hall of Fame.

Leonard followed his father's political aspirations and was elected as a Montana State Senator from Silver Bow County in 1970 and served its citizens during the 56<sup>th</sup> Legislative session. He was instrumental in securing funding for construction of the existing mining/geology building and library at Montana Tech and legislation for osteopathic physicians to hold the same status as medical doctors.

Leonard is survived by his sister Patsy, and brothers David, and Kevin, along with many nieces and nephews. All who knew him surely miss his exuberant spirit and personality.

#### **REINO JOHN "RAY" WAYRYNEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Reino John Wayrynen on January 23, 2003 in Surprise, Arizona.

**WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Wayrynen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Ray Wayrynen, former Montana House of Representatives Speaker and minority leader, was born September 24, 1922 in Hancock, Michigan.

He moved to Butte as a child, attended Grant School, and graduated from Butte High School in 1941. Ray enlisted in the Navy Seabees during World War II, and served in the South Pacific. After returning home, he attended Worsham College in Chicago, graduating as an embalmer and funeral director.

Ray and Nielsine Lowney began their life together in 1942 and to this union their daughter, Linda, was born.

Ray's political career began in 1957 when he was elected to the Montana House of Representatives, representing Silver Bow County until 1970. He served as House minority leader in 1963 and House speaker in 1965.

In 1971, Governor Forrest Anderson appointed him to the State Board of Equalization which later became the State Tax Appeals Board. He served as chairman of this board until his retirement in 1976. A highlight of Ray's political career was personally meeting Presidents John F. Kennedy and Lyndon B. Johnson.

While residing in Butte, Ray worked for White's Funeral Home, and Sherman and Reed Mortuary, which he later purchased. He and Nielsine built Wayrynen Funeral Home on Florence Avenue.

Ray belonged to several fraternal organizations, and serviced as the Worthy Patron of Butte Chapter No. 39, Order of the Eastern Star, Potentate of Bagdad Temple of the Shrine, and Secretary of Butte Court, Royal Order of Jesters. He was Secretary of Local Council No. 106 and Grand Secretary of Montana, Idaho, and Utah United Commercial Travelers.

Ray is survived by his wife Nielsine, daughter Linda, his grandchildren, and one great grandchild.

#### **ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, April 8, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 8, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative D. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-eighth and sixty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/8/2003

Correctly enrolled: **HB 6, HB 8, HB 186, HB 195, HB 205, HB 230, HB 293, HB 384, HB 419, HB 431, HB 445, HB 456, HB 474, HB 482, HB 494, HB 501, HB 524, HB 546, HB 555, HB 579, HB 580, HB 591, HB 637, HB 678, HJR 12, HJR 26.**

Examined by the sponsor and found to be correct: **HB 6, HB 8, HB 186, HB 195, HB 205, HB 230, HB 293, HB 384, HB 419, HB 431, HB 445, HB 456, HB 474, HB 482, HB 494, HB 501, HB 524, HB 546, HB 555, HB 579, HB 580, HB 591, HB 637, HB 678, HJR 12, HJR 26.**

**APPROPRIATIONS** (Lewis, Chairman): 4/8/2003

**HJR 41**, be adopted. Report adopted.

**SB 271**, be amended as follows:

1. Title, line 4.

**Strike:** "REQUIRING THAT"

**Insert:** "AUTHORIZING"

2. Title, line 5.

**Following:** "REVENUE"

**Insert:** "TO"

3. Title, line 11.

**Strike:** "AND"

4. Title, line 13.

**Following:** "~~15-30-255,~~"

**Insert:** "39-51-1301, AND 39-51-2402,"

**Strike:** "AN IMMEDIATE"

**Following:** "EFFECTIVE"

**Insert:** "DATES AND A CONTINGENT TERMINATION"

5. Page 1, line 19.

**Strike:** "shall"

**Insert:** "may"

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6. Page 1, line 22.

**Strike:** "must"

**Insert:** "may"

7. Page 1, lines 26 and 27.

**Strike:** "shall" on line 26

**Insert:** "may"

**Following:** "prior to" on line 26

**Strike:** remainder of line 26 through "session" on line 27

**Insert:** "February 1, 2005"

8. Page 2, lines 4 through 6.

**Strike:** subsection (4) in its entirety

**Insert:** "(4) The chief information officer, in consultation with the director of the department of revenue and the commissioner of labor and industry, shall require that current withholding, combined oil and gas, and unemployment insurance data determined necessary for the replacement system be corrected. The correction must be verified through an independent audit conducted either directly or under contract by the legislative auditor."

9. Page 6, lines 23 through 27.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) All appeals that have not been heard prior to the termination of the delegation of duties in subsection (5) must be made in accordance with the procedures identified in 39-51-1109."

10. Page 6, line 29.

**Strike:** "that have not been appealed"

11. Page 6, line 30.

**Strike:** "prior to"

**Insert:** "following"

12. Page 8.

**Following:** line 2

**Insert:** "**Section 4.** Section 39-51-1109, MCA, is amended to read:

**"39-51-1109. Tax appeals -- procedure.** (1) A decision, determination, or redetermination of the department involving an employer-employee relationship or the charging of benefit payments to employers is final unless an interested party entitled to notification submits a written appeal of the decision, determination, or redetermination. The appeal must be made in the same manner as provided in 39-71-415.

(2) A decision, determination, or redetermination involving contribution liability, contribution rate, application for refund, subject wages, or other ~~tax-related~~ contribution-related issues must be issued by the department ~~of revenue~~ as provided in Title 15, chapter 1, part 2, and 15-30-257, if applicable. The decision and is final unless an interested party entitled to notification ~~follows the uniform dispute review procedures as prescribed in 15-1-211 and 15-30-257, if applicable~~ submits a written appeal of the decision, determination, or redetermination. An appeal must be made in the same manner as provided in 39-51-2402 for the appeal of a decision relating to a claim for unemployment insurance benefits. Statutory rules of evidence and civil procedure do not apply to a hearing on the appeal. A hearing may be conducted by telephone or by video conference. The decision of the appeals referee and any subsequent appeal must be made in the same manner as provided in 39-51-2403 through 39-51-2410."

**Renumber:** subsequent sections



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13. Page 11.

**Following:** line 8

**Insert:** "**Section 5.** Section 39-51-1301, MCA, is amended to read:

**"39-51-1301. Penalty and interest on past-due reports and taxes.** (1) Failure to file reports and payments in a timely manner, as required under 39-51-603, 39-51-1103, and 39-51-1125, may subject an employer to penalty and interest, as provided by 15-1-216.

(2) There is an account in the federal special revenue fund. Penalties and interest collected for unemployment insurance obligations ~~are distributed as provided in 15-30-250 and~~ must be deposited in that account. Money deposited in that account and appropriated to the department or transferred by the department to its delegate, pursuant to 39-51-301(5), may only be used by the department or its delegate to administer this chapter, including the detection and collection of unpaid taxes and overpayments of benefits to the extent that federal grant revenue is less than amounts appropriated for this purpose. Money in the account not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.

(3) All money accruing to the unemployment insurance trust fund from interest and penalties collected on past-due unemployment insurance taxes must be used solely for the payment of unemployment insurance benefits and may not be used for any other purpose.""

**"Section 6.** Section 39-51-2402, MCA, is amended to read:

**"39-51-2402. Initial determination -- redetermination.** (1) A representative designated by the department and referred to as a deputy shall promptly examine the claim and, on the basis of the facts the deputy has found, the deputy shall determine whether or not the claim is valid. If the claim is valid, the deputy will determine the week the benefits commence, the weekly benefit amount payable, and the maximum benefit amount. The deputy may refer the claim or any question involved in the claim to an appeals referee who shall make the decision on the claim in accordance with the procedure prescribed in 39-51-2403. With respect to a determination, redetermination, or appeal by a claimant involving wages, the issue must be resolved in accordance with procedures for unemployment insurance benefit claimant appeals, as prescribed in 15-2-302 and 15-30-257 during the time that the department delegated the duties associated with the administration of unemployment insurance contributions to the department of revenue pursuant to 39-51-301. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons for reaching the decision.

(2) The deputy may for good cause reconsider the decision and shall promptly notify the claimant and other interested parties of the amended decision and the reasons for the decision.

(3) A determination or redetermination of an initial or additional claim may not be made under this section unless 5 days' notice of the time and place of the claimant's interview for examination of the claim is mailed to each interested party.

(4) A determination or redetermination is final unless an interested party entitled to notice of the decision applies for reconsideration of the determination or appeals the decision within 10 days after the notification was mailed to the interested party's last-known address. The 10-day period may be extended for good cause.

(5) Except as provided in subsection (6), a redetermination of a claim for benefits may not be made after 2 years from the date of the initial determination.

(6) A redetermination may be made within 3 years from the date of the initial determination of a claim if the initial determination was based on a false claim, misrepresentation, or failure to disclose a material fact by the claimant or the employer."

**Renumber:** subsequent sections

14. Page 11, line 16.

**Strike:** "date"

**Insert:** "dates -- contingency"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act]"

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**Insert:** "Except as provided in subsection (2), [this act]"

15. Page 11.

**Following:** line 17

**Insert:** "(2) [Sections 4 through 6] are effective on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated."

16. Page 11, line 18.

**Insert:** "NEW SECTION. Section 10. Contingent termination. (1) [Section 3] terminates on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated.

(2) The commissioner of labor and industry shall transmit a copy of the certification of the termination of duties to the code commissioner."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

4/7/2003

**HJR 37**, be adopted. Report adopted.

**HJR 40**, be adopted. Report adopted.

**HJR 42**, be adopted. Report adopted.

**SB 446**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in:

4/8/2003

**SB 34**, introduced by Barkus

**SB 65**, introduced by Roush

**SB 76**, introduced by Schmidt

**SB 80**, introduced by Laible

**SB 86**, introduced by Zook

**SB 98**, introduced by Mangan

**SB 105**, introduced by Johnson

**SB 110**, introduced by Toole

**SB 113**, introduced by Esp

**SB 137**, introduced by DePratu

**SB 143**, introduced by Bohlinger

**SB 146**, introduced by Anderson

**SB 152**, introduced by Cocchiarella

**SB 159**, introduced by Johnson

**SB 226**, introduced by DePratu

**House amendments to Senate joint resolution** concurred in:

4/8/2003

**SJR 24**, introduced by O'Neil

**House amendments to Senate bills** *not* concurred in:

4/7/2003

**SB 57**, introduced by Keenan

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**SB 126**, introduced by Story

**House bills** concurred in and returned to the House:

4/8/2003

**HB 124**, introduced by A. Olson

**HB 569**, introduced by Gutsche

**HB 602**, introduced by Galvin-Halcro

**HB 663**, introduced by Laslovich

**MESSAGES FROM THE GOVERNOR**

April 7, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 41** sponsored by Representative Noennig, **House Bill 129** sponsored by Representative Gutsche, **House Bill 236** sponsored by Representative Erickson, **House Bill 272** sponsored by Representative Gillan et al., **House Bill 554** sponsored by Representative Kasten, and **House Bill 585** sponsored by Representative Franklin on April 7, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 7, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 441, "**AN ACT PROVIDING FOR THE PRORATION OF PROPERTY TAXES ON CENTRALLY ASSESSED PROPERTY WHEN LAND IS SUBDIVIDED; AND AMENDING SECTIONS 15-16-102 AND 76-3-207, MCA**" for the following reasons.

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House Bill No. 441 provides that before an individual parcel of land owned by a centrally assessed company may be subdivided, the Department of Revenue must determine a prorated assessed value and subsequent property tax liability attributed to the parcel of land being subdivided. And, once the tax liability for the parcel to be subdivided has been determined, the county treasurer may accept the payment of the prorated tax due (even though the payment is only a partial payment for total taxes owed by the centrally assessed company).

House Bill No. 441, in its current form, does not contain language that specifically states the prorated portion of the tax bill attributable to the portion of the land being sold must be paid prior to the division of the land. The amendatory veto language resolves that oversight. In addition, that was the clear intent of all parties affected by this bill. With the new language, after the prorated tax on the land being sold has been paid, the treasurer can then certify that all taxes and assessments have been paid on that portion, thus allowing the subdivision to proceed.

I have enclosed my amendment to that effect. Please be advised that the Department of Revenue concurs with this amendment. Further, please be advised that Representative Cyr, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 441

1. Page 3, line 14.

**Following:** "basis."

**Insert:** "The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold, before the division of land is made."

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 44**, introduced by Fritz, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 197 - Senate Amendments** - Representative Becker moved Senate amendments to **HB 197** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell,

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Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 277 - Senate Amendments** - Representative Lindeen moved Senate amendments to **HB 277** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Everett, Kasten, Keane, Lange, Maedje, Newman, Pattison, Sales, Sinrud, Steinbeisser.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 437 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 437** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 60

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Noennig, Parker, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 107 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 107** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Hawk, Juneau, Morgan, Sales, Sinrud.

Total 6

Excused: None.

Total 0

Absent or not voting: D. Brown, Maedje.

Total 2

**HB 201 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 201** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 298 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 298** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, P. Clark, Franklin, Golie, Gutsche, Kaufmann, Sinrud, Steinbeisser.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Maedje.  
Total 2

**HB 304 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 304** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 308 - Senate Amendments** - Representative Musgrove moved Senate amendments to **HB 308** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 289 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 289** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Franklin, Golie, Jayne, Maedje.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 292 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 292** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown,



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Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Buzzas, Kaufmann, Wanzenried.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 299 - Senate Amendments** - Representative Peterson moved Senate amendments to **HB 299** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Bixby, Buzzas, Callahan, P. Clark, Cohenour, Erickson, Franklin, Gallik, Gillan, Golie, Gutsche, Kaufmann, Wanzenried, Wilson.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Facey.  
Total 1

**HB 315 - Senate Amendments** - Representative Lawson moved Senate amendments to **HB 315** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts,

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Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Laszloffy, Newman, Shockley.

Total 3

**HB 317 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Laszloffy.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 388 - Senate Amendments** - Representative Lake moved Senate amendments to **HB 388** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Buzzas, Everett, Fisher, Gallus.

Total 4

**HB 433** - Representative P. Clark moved consideration of **HB 433** be passed for the day. Motion carried.

**HB 435 - Senate Amendments** - Representative Sinrud moved Senate amendments to **HB 435** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Becker, Callahan, Carney, Erickson, Franklin, Galvin-Halcro, Gibson, Gillan, Laslovich, Musgrove.

Total 10

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**HB 453 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 453** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Buzzas, Erickson, Franklin, Jayne, Juneau.

Total 6

Excused: None.

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Total 0

Absent or not voting: Ryan.

Total 1

**HB 478 - Senate Amendments** - Representative Peterson moved Senate amendments to **HB 478** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Callahan, Franklin, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Wilson.

Total 9

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 480 - Senate Amendments** - Representative Steinbeisser moved Senate amendments to **HB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Mr. Speaker.

Total 82

Noes: R. Brown, Buzzas, Dowell, Erickson, Franklin, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Laszloffy, Newman, Noennig, Wanzenried, Wilson.

Total 16

Excused: None.

Total 0

Absent or not voting: P. Clark, Younkin.

Total 2

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**HB 573 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 573** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Pattison.  
Total 2

**HB 584 - Senate Amendments** - Representative Barrett moved Senate amendments to **HB 584** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Harris.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 610 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 610** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: P. Clark, B. Olson, Wanzenried.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 618 - Senate Amendments** - Representative Dickenson moved Senate amendments to **HB 618** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Jayne.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 642 - Senate Amendments** - Representative Devlin moved Senate amendments to **HB 642** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Gallik, Jayne, Parker.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 647 - Senate Amendments** - Representative Thomas moved Senate amendments to **HB 647** be concurred in.  
Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**HB 653 - Senate Amendments** - Representative Lambert moved Senate amendments to **HB 653** be concurred in.  
Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

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Excused: None.  
Total 0

Absent or not voting: Sales.  
Total 1

**HB 681 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 681** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 703** - Representative Parker moved consideration of **HB 703** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 90 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 90** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0



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Absent or not voting: Gibson.  
Total 1

**HB 130 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 130** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Fisher, Wilson.  
Total 2

**HB 141 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 141** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Jayne, Mendenhall.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 203 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 203** be concurred in.

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Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 84

Noes: Buzzas, Carney, Dickenson, Gallik, Galvin-Halcro, Gutsche, Jacobson, Juneau, Kaufmann, Keane, Smith, Wanzenried.

Total 12

Excused: None.

Total 0

Absent or not voting: Franklin, Laslovich, Musgrove, Mr. Speaker.

Total 4

**HB 213 - Senate Amendments** - Representative Gallus moved Senate amendments to **HB 213** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: P. Clark.

Total 1

Excused: None.

Total 0

Absent or not voting: Fisher, Shockley.

Total 2

**HB 247 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 247** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: P. Clark, Facey, Franklin, Hawk, Keane, Lawson, Mendenhall, Newman, Rice, Sales, Sinrud, Wagman, Waitschies.

Total 13

Excused: None.

Total 0

Absent or not voting: Gillan, Shockley.

Total 2

**HB 256 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 256** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Dowell, Erickson, Jayne, Juneau, Kaufmann, Wanzenried.

Total 7

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro, Gillan.

Total 2

**HB 259 - Senate Amendments** - Representative Maedje moved Senate amendments to **HB 259** be concurred in. Motion **failed** as follows:

Ayes: Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Dowell, Gallus, Hedges, Jackson, Kasten, Laslovich, Laszloffy, Maedje, A. Olson, B. Olson, Peterson, Rice, Ripley, Rome, Ryan, Sales, Wagman, Witt.

Total 22

Noes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney,

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Mendenhall, Morgan, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Roberts, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 358 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 358** be concurred in. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Andersen, Ballantyne, Bergren, P. Clark, Cohenour, Franklin, Gallus, Kaufmann, Lewis, Rice, Ross, Waitschies, Wanzenried.

Total 13

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 385 - Senate Amendments** - Representative Fritz moved Senate amendments to **HB 385** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 703 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 703** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: P. Clark, Cohenour, Dowell, Erickson, Franklin, Galvin-Halcro, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Sales, Wanzenried, Weiss.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 17, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 20, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Dickenson, Erickson, Kaufmann, Malcolm, Ross, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 40, as amended by the Senate**, passed as follows:

sen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Maedje.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 50, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Barrett, Fuchs, Gutsche.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 54, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser,

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Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 67, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 71

Noes: Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fuchs, Gillan, Jackson, Jayne, Kasten, Keane, Lambert, Laszloffy, Maedje, Morgan, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 76, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Erickson, Gutsche, Kaufmann, Sales.

Total 5



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 98, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 104, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 110, as amended by the Senate**, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 123, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, Erickson, Gillan, Gutsche, Harris, Juneau, Kaufmann, Malcolm, Pattison, Ryan, Smith, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 127, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Gallus, Sales.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 134, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Juneau.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 145, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, R. Brown, Sales.  
Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 155, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 157, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Dowell, Maedje, Malcolm, Pattison, Rice, Ross, Smith, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 161, as amended by the Senate,** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 169, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Bixby, D. Brown, R. Brown, Everett, Golie, Kasten, Pattison, Sales, Sinrud, Thomas, Waitschies.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 170, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Gallus.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 171, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Juneau.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 179, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Gallus, Wilson.  
Total 2

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 183, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 210, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 218, as amended by the Senate,** passed as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 220, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Bixby, Gallus, Jayne, Juneau.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 222, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker,



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Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Jayne, Juneau.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 224, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Keane, Newman.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 237, as amended by the Senate**, passed as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Mr. Speaker.  
Total 65

Noes: Ballantyne, Balyeat, R. Brown, Callahan, P. Clark, Dickenson, Dowell, Erickson, Franklin, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ryan, Sales, Sinrud, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin.  
Total 35

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 269, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Buzzas, Dickenson, Sinrud, Wilson.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 303, as amended by the Senate,** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 337, as amended by the Senate,** passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: D. Brown.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 481, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Dowell, Hawk, Kasten, Maedje, Sales, Shockley.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 499, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy,

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Witt, Younkin, Mr. Speaker.  
Total 89

Noes: D. Brown, Fuchs, Jackson, Lake, Laszloffy, Maedje, Rice, Ross, Ryan, Shockley, Sinrud.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 527, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 532, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Buzzas.  
Total 1

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Vice Chair  
Representative Waitschies  
Representative Laslovich

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 57**. Motion carried.

The Speaker appointed the following members:

Representative Thomas, Vice Chair  
Representative Lange  
Representative Gallus

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 107**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair  
Representative Lehman  
Representative Galvin-Halcro

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 197**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chair  
Representative Thomas  
Representative Becker

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 201**. Motion carried.

The Speaker appointed the following members:

Representative D. Brown, Chair

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Representative Wagman  
Representative Jent

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 259**. Motion carried.

The Speaker appointed the following members:

Representative Maedje, Chair  
Representative Lake  
Representative Gallik

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 277**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair  
Representative Haines  
Representative Lindeen

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 298**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair  
Representative Noennig  
Representative Jacobson

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 304**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair  
Representative Rice  
Representative Ryan

Representative R. Brown moved that the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 308**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chair  
Representative Stoker  
Representative Musgrove

Representative R. Brown moved that the Speaker be authorized to appoint a Conference Committee to meet with a

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like committee from the Senate to confer on Senate amendments to **HB 642**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Chair  
Representative Lambert  
Representative Golie

Representative Bixby inquired about her letter to the Speaker declining her appointment to the Free Conference Committee on **HB 211**. The Speaker accepted her refusal to serve and was going to appoint Representative Juneau to the free conference committee on **HB 211**.

Representative Juneau requested on **HB 435, with Senate Amendments**, second reading today, that her vote be recorded as yes. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The Speaker asked Representative Jacobson to lead the house in singing Happy Birthday to Representative Gallus.

The following bill was removed from the consent calendar: **SB 454**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, April 9, 2003. Motion carried.

House adjourned at 3:32 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 10, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Malcolm. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Gallus, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/10/2003

Correctly printed: **SB 89, SB 384, SB 399, SB 458.**

Correctly engrossed: **SB 294.**

Correctly enrolled: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 145, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

Examined by the sponsor and found to be correct: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 145, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

Signed by the Speaker at 8:45 a.m., April 10, 2003: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134.**

Signed by the Speaker at 10:35 p.m., April 10, 2003: **HB 145.**

Delivered to the Governor for approval at 7:40 a.m., April 10, 2003: **HB 124, HB 569, HB 602, HB 663.**

**NATURAL RESOURCES** (Younkin, Chairman): 4/10/2003

**HJR 43**, be adopted. Report adopted.

**TAXATION** (Fuchs, Chairman): 4/10/2003

**SB 407**, be amended as follows:

1. Title, page 1, line 12.

**Strike:** "TEMPORARILY"

2. Title, page 1, line 13.

**Strike:** "DEPOSITING" through "FUND"

**Insert:** "REVISING THE DISTRIBUTION OF THE CIGARETTE TAX"

3. Page 1, line 26.

**Strike:** "40"

**Insert:** "39"

4. Page 7, line 23.

**Strike:** "5%"

**Insert:** "3%"

5. Page 7, line 24.

**Strike:** "9%"

**Insert:** "4%"



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6. Page 8, line 9.

**Strike:** "5%"

**Insert:** "3%"

7. Page 8, line 10.

**Strike:** "9%"

**Insert:** "4%"

8. Page 8, line 29.

**Strike:** "40"

**Insert:** "39"

9. Page 9, line 22.

**Strike:** "40"

**Insert:** "39"

10. Page 10, line 4.

**Strike:** "40"

**Insert:** "39"

11. Page 10, line 7.

**Strike:** "40"

**Insert:** "39"

12. Page 10, line 14.

**Strike:** "40"

**Insert:** "39"

13. Page 10, line 16.

**Strike:** "40"

**Insert:** "39"

14. Page 10, line 18.

**Strike:** "40"

**Insert:** "39"

15. Page 13, line 17.

**Strike:** "40"

**Insert:** "39"

16. Page 13, line 19.

**Strike:** "40"

**Insert:** "39"

17. Page 13, line 25.

**Strike:** "40"

**Insert:** "39"

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18. Page 14, line 2.

**Strike:** "40"

**Insert:** "39"

19. Page 14, line 10.

**Strike:** "40"

**Insert:** "39"

20. Page 14, line 20.

**Strike:** "40"

**Insert:** "39"

21. Page 14, line 25.

**Strike:** "40"

**Insert:** "39"

**Strike:** "28"

**Insert:** "27"

22. Page 14, line 26.

**Strike:** "40"

**Insert:** "39"

23. Page 15, line 4.

**Strike:** "40"

**Insert:** "39"

24. Page 15, line 26.

**Strike:** "40"

**Insert:** "39"

25. Page 15, line 27.

**Strike:** "28"

**Insert:** "27"

26. Page 15, line 28.

**Strike:** "40"

**Insert:** "39"

27. Page 16, line 6.

**Strike:** "40"

**Insert:** "39"

28. Page 16, lines 9 through 16.

**Strike:** section 24 in its entirety

**Renumber:** subsequent sections

29. Page 16, line 19.

**Strike:** "20th"

**Insert:** "last"

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30. Page 16, line 20.

**Strike:** "40"

**Insert:** "39"

31. Page 16, line 23.

**Strike:** "40"

**Insert:** "39"

32. Page 17, line 6.

**Strike:** "40"

**Insert:** "39"

33. Page 17, line 7.

**Strike:** "40"

**Insert:** "39"

34. Page 17, line 9.

**Strike:** "40"

**Insert:** "39"

35. Page 17, lines 23 and 24.

**Strike:** subsection (6) in its entirety

36. Page 17, line 27.

**Strike:** "on an accrual basis"

**Strike:** "25"

**Insert:** "24"

37. Page 18, line 13.

**Strike:** "25"

**Insert:** "24"

38. Page 19, line 4.

**Strike:** "40"

**Insert:** "39"

39. Page 19, line 8.

**Strike:** "25"

**Insert:** "24"

40. Page 19, line 27.

**Strike:** "40"

**Insert:** "39"

41. Page 19, line 28.

**Strike:** "40"

**Insert:** "39"

42. Page 20, line 13.

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**Strike:** "40"  
**Insert:** "39"

43. Page 20, line 22.  
**Strike:** "40"  
**Insert:** "39"

44. Page 21, line 5.  
**Strike:** "40"  
**Insert:** "39"

45. Page 21, line 7.  
**Strike:** "40"  
**Insert:** "39"

46. Page 21, line 9.  
**Strike:** "40"  
**Insert:** "39"

47. Page 21, line 13.  
**Following:** line 13  
**Strike:** "40"  
**Insert:** "39"  
**Following:** "41"  
**Strike:** "40"  
**Insert:** "39"

48. Page 21, line 19.  
**Strike:** "40"  
**Insert:** "39"

49. Page 21, line 25.  
**Strike:** "40"  
**Insert:** "39"

50. Page 22, line 15.  
**Strike:** "40"  
**Insert:** "39"

51. Page 22, line 21.  
**Strike:** "40"  
**Insert:** "39"

52. Page 22, line 22.  
**Strike:** "40"  
**Insert:** "39"

53. Page 22, line 27.

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**Strike:** "40"  
**Insert:** "39"

54. Page 23, line 7.  
**Strike:** "40"  
**Insert:** "39"

55. Page 23, line 11.  
**Strike:** "40"  
**Insert:** "39"

56. Page 23, line 17.  
**Strike:** "40"  
**Insert:** "39"

57. Page 38, line 19.  
**Following:** "taxes."  
**Insert:** "(1)"

58. Page 38, line 21.  
**Strike:** "(1)"  
**Insert:** "(a)"

59. Page 38, line 22.  
**Strike:** "3.1%"  
**Insert:** "8.3% or \$2 million, whichever is greater,"

60. Page 38, line 24 through line 25.  
**Strike:** subsection (2) in its entirety

61. Page 38, line 26.  
**Strike:** "(3)"  
**Insert:** "(b)"

62. Page 38, line 27.  
**Following:** "AND"  
**Insert:** "; and"  
        (c) the remainder to the state general fund

63. Page 38.  
**Following:** line 29  
**Insert:** "(2) If money in the state special revenue fund for the operation and maintenance of state veterans' nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state general fund."

64. Page 40, line 20.  
**Following:** "YEAR"  
**Insert:** ", that exceeds the number of stamped cigarettes and cigarette tax insignia held in inventory by the cigarette wholesale dealer, retail dealer, or vending machine operator at the close of its most recently concluded income tax reporting year"

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65. Page 40, line 27.

**Strike:** "40"

**Insert:** "39"

66. Page 40, line 28.

**Strike:** "40"

**Insert:** "39"

67. Page 40, line 29.

**Strike:** "41"

**Insert:** "40"

68. Page 40, line 30.

**Strike:** "41"

**Insert:** "40"

69. Page 41, line 3.

**Strike:** "41"

**Insert:** "40"

**Strike:** "48"

**Insert:** "47"

70. Page 41, line 14.

**Strike:** "41"

**Insert:** "40"

**Strike:** "48"

**Insert:** "47"

71. Page 41, line 24.

**Strike:** "41"

**Insert:** "40"

**Strike:** "43"

**Insert:** "42"

**Strike:** "46"

**Insert:** "45"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/9/2003

**HB 701**, introduced by Newman

**HB 259** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 259**:

4/9/2003

Senator DePratu, Chair

Senator Cocchiarella

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Senator Curtiss

**HB 308** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 308**:

4/9/2003

Senator O'Neil, Chair  
Senator Cromley  
Senator Pease

**HB 197** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 197**:

4/9/2003

Senator Perry, Chair  
Senator Curtiss  
Senator Mangan

**SB 57** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 57**:

4/9/2003

Senator Wheat, Chair  
Senator Keenan  
Senator Mangan

**MESSAGES FROM THE GOVERNOR**

April 9, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 287** sponsored by Representative Lindeen et al., **House Bill 389** sponsored by Representative Gibson, **House Bill 438** sponsored by Representative Forrester et al., **House Bill 496** sponsored by Representative Becker et al., **House Bill 507** sponsored by Representative Brueggeman, **House Bill 684** sponsored by Representative A. Olson, **House Bill 686** sponsored by Representative Bergren et al., and **House Bill 731** sponsored by Representative Lehman on April 9, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 10, 2003

The Honorable Doug Mood

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Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 220** sponsored by Representative Laszloffy on April 10, 2003.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 271** - Representative Brueggeman moved **SB 271** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Cohenour, Cyr, Dowell, Forrester, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Weiss, Windy Boy.

Total 28

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 648 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 648** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,



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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 667 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 667** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Gutsche.  
Total 1

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 669 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 669** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis,

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Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Barrett, D. Brown, Buzzas, Dickenson, Franklin, Fuchs, Galvin-Halcro, Golie, Kaufmann, Rice, Ripley.

Total 11

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**HB 676 - Senate Amendments** - Representative Lindeen moved Senate amendments to **HB 676** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: P. Clark, Erickson, Franklin, Fuchs, Gutsche, Kaufmann, Maedje.

Total 7

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 677 - Senate Amendments** - Representative Lindeen moved Senate amendments to **HB 677** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews,

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McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: B. Olson, Ripley.

Total 2

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Gillan, Jent.

Total 2

**HB 698 - Senate Amendments** - Representative Gillan moved Senate amendments to **HB 698** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Becker, Harris.

Total 2

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**HB 733 - Senate Amendments** - Representative Schrumpf moved Senate amendments to **HB 733** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice,

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Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Bookout-Reinicke, Galvin-Halcro.

Total 2

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 734 - Senate Amendments** - Representative Lawson moved Senate amendments to **HB 734** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 4 - Senate Amendments** - Representative Lange moved Senate amendments to **HJR 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 86

Noes: Barrett, Buzzas, P. Clark, Franklin, Gallik, Gutsche, Harris, Kaufmann, Lake, Newman, Raser, Waitschies, Weiss.  
Total 13

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HJR 8 - Senate Amendments** - Representative Juneau moved Senate amendments to **HJR 8** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Hawk, Lake, Malcolm, Morgan, Weiss.  
Total 5

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 17 - Senate Amendments** - Representative Peterson moved Senate amendments to **HJR 17** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

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Noes: Weiss.  
Total 1

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 538 - Senate Amendments** - Representative Rome moved Senate amendments to **HB 538** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Golie, Jayne.  
Total 2

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 87 - Governor's Amendments** - Representative Jent moved Governor's amendments to **HB 87** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.

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Total 0

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 408 - Governor's Amendments** - Representative Peterson moved Governor's amendments to **HB 408** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent, Laszloffy.

Total 3

**HB 441 - Governor's Amendments** - Representative Cyr moved Governor's amendments to **HB 441** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

**HB 512 - Senate Amendments** - Representative Sinrud moved Senate amendments to **HB 512** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Golie.

Total 1

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Franklin.

Total 2

**HB 517 - Senate Amendments** - Representative Wilson moved Senate amendments to **HB 517** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: P. Clark.

Total 1

Voted Absentee: Gallus, Aye.



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Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 545 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 545** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Younkin, Mr. Speaker.  
Total 84

Noes: Ballantyne, Cohenour, Dickenson, Gallik, Galvin-Halcro, Golie, Kaufmann, Lindeen, Musgrove, Smith, Weiss, Windy Boy.  
Total 12

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: Gillan, Jayne, Peterson, Witt.  
Total 4

**HB 609 - Senate Amendments** - Representative Windy Boy moved Senate amendments to **HB 609** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gallus, Aye.

Excused: None.

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Total 0

Absent or not voting: Musgrove.

Total 1

**HB 640 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 640** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Buzzas, Callahan, Cohenour, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Kaufmann, Keane, Lindeen, Newman, Parker, Ryan, Small-Eastman, Smith, Weiss, Wilson.  
Total 24

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Facey, Lenhart.

Total 2

**HB 94 - Governor's Amendments** - Representative Lawson moved Governor's amendments to **HB 94** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Callahan, Gallik, Kaufmann, Newman.

Total 4

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

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Absent or not voting: Bixby.  
Total 1

**HB 152 - Senate Amendments** - Representative Fisher moved Senate amendments to **HB 152** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Buzzas, Franklin, Galvin-Halcro, Jayne, Juneau, Lindeen, Ryan, Weiss.  
Total 8

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: Bitney, Bookout-Reinicke, McKenney.  
Total 3

**HB 159 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 159** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Bixby, Buzzas, Callahan, Franklin, Galvin-Halcro, Golie, Kaufmann, Lindeen, Rice, Wilson, Windy Boy.  
Total 11

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: Lehman.

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Total 1

**HB 199 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 199** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Franklin.

Total 1

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 424 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 424** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumph, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 484 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 484** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 641 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 641** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, Bookout-Reinicke, Brueggeman, Buzzas, P. Clark, Cyr, Franklin, Galvin-Halcro, Gillan, Gutsche, Harris, Jayne, Keane, Lewis, B. Olson.  
Total 15

Voted Absentee: Gallus, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 680 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 680** be **not** concurred in.

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Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HJR 29 - Senate Amendments** - Representative Dowell moved Senate amendments to **HJR 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Callahan, Cyr, Jent, Lake, Laszloffy, Malcolm, Sales, Weiss.

Total 9

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 31 - Senate Amendments** - Representative Facey moved Senate amendments to **HJR 31** be **not** concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Callahan, Everett, Fisher, Jent, Lake, Maedje, Mendenhall, Morgan, Rice, Ripley, Weiss.

Total 11

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HJR 32 - Senate Amendments** - Representative Haines moved Senate amendments to **HJR 32** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Bixby, Buzzas, Callahan, Cohenour, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 21

Voted Absentee: Gallus, Aye.

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney,

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E. Clark, Cohenour, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 73

Noes: Ballantyne, Buzzas, Callahan, P. Clark, Cyr, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Gillan, Gutsche, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Ryan, Smith, Wanzenried, Weiss, Wilson.  
Total 25

Excused: Gallus.  
Total 1

Absent or not voting: Bookout-Reinicke.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 105, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Franklin, Sales, Sinrud.  
Total 4

Excused: Gallus.  
Total 1

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 185, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz,



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Jackson, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 89

Noes: Balyeat, Franklin, Fuchs, Golie, Jayne, Kasten, Keane, Sales, Mr. Speaker.  
Total 9

Excused: Gallus.  
Total 1

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 223, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Callahan, E. Clark, Devlin, Franklin, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Laslovich, Newman, Parker, Weiss, Wilson.  
Total 14

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 253, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

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Noes: None.  
Total 0

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 266, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, Bergren, Branae, Buzzas, Cohenour, Everett, Forrester, Gallik, Gutsche, Jackson, Jacobson, Jayne, Kasten, Lenhart, Lewis, Matthews, Morgan, Musgrove, Pattison, Raser, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Waitschies, Weiss, Witt.  
Total 30

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 270, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fisher, Kasten, Lake, Laszloffy, Morgan, Pattison, Rice, Ripley, Rome, Sinrud, Thomas.  
Total 18

Excused: Gallus.  
Total 1

Absent or not voting: None.

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Total 0

**HB 338, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 79

Noes: Balyeat, Barrett, Bitney, D. Brown, R. Brown, Everett, Fisher, Fuchs, Kasten, Lake, Laszloffy, Malcolm, Morgan, Rice, Ripley, Sales, Sinrud, Wagman, Younkin, Mr. Speaker.

Total 20

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 396, as amended by the Senate**, passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, E. Clark, Devlin, Everett, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Pattison, Rice, Ripley, Ross, Steinbeisser, Wagman, Waitschies.

Total 28

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 410, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Golie, Gutsche.  
Total 2

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 451, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 70

Noes: Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Keane, Lindeen, Newman, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Windy Boy.  
Total 29

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 468, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

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Noes: Balyeat, Everett, Roberts, Steinbeisser.  
Total 4

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 521, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, Callahan, Franklin, Galvin-Halcro, Gillan, Kaufmann, Lindeen, B. Olson, Parker.  
Total 9

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 525, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Bixby, Lawson, Raser, Sinrud.  
Total 4

Excused: Gallus.  
Total 1

Absent or not voting: None.

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Total 0

**HB 537, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Cyr, Erickson, Facey, Franklin, Gutsche, Harris, Kaufmann, Laszloffy, Weiss.

Total 10

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 540, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86

Noes: E. Clark, Devlin, Kasten, Lange, Laszloffy, Pattison, Rice, Ripley, Ross, Sales, Sinrud, Wagman, Waitschies.

Total 13

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 553, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson,

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Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 84

Noes: Balyeat, Devlin, Fuchs, Kasten, Laszloffy, Pattison, Rice, Ripley, Ross, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Mr. Speaker.

Total 15

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 556, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Fuchs, Gutsche, Harris, Jent, Keane, Lake, Morgan, Newman, Sales, Wilson.

Total 10

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 563, as amended by the Senate,** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

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Total 46

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 577, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Dowell, Erickson, Facey, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Raser, Small-Eastman, Smith, Weiss, Wilson, Windy Boy.

Total 28

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0

**HB 588, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Galvin-Halcro, Sales.

Total 2

Excused: Gallus.

Total 1

Absent or not voting: None.

Total 0



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**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 211**  
Report No. 1, April 10, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 211** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 211** (reference copy -- salmon) be amended as follows:

1. Title, line 13.

**Following:** "HEARINGS;"

**Insert:** "REQUIRING AN INTERIM REPORT ON DISPOSITION OF NATIVE AMERICAN PAROLE APPLICATIONS;"

2. Page 8, line 17.

**Following:** line 16

**Insert:** "NEW SECTION. Section 16. Interim report. During the biennium beginning July 1, 2003, the board of pardons and parole shall report to the law and justice interim committee of the legislature on the disposition of parole applications made by Native Americans, including the reasons for approval or denial of parole, during the period of January 1, 1999, through March 31, 2004. The report must be made before July 1, 2004, and must be included in the board's biennial report."

**Renumber:** subsequent section

For the House:

Laszloffy, Chairman  
Everett

For the Senate:

McGee, Chairman  
Curtiss  
Pease

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and reappoint a Free Conference Committee to meet with a like committee from the Senate on **SB 126**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Chair  
Representative Waitschies  
Representative Laslovich

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HJR 31**. Motion carried.

The Speaker appointed the following members:

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Representative Thomas, Chair  
Representative Stoker  
Representative Facey

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 424**. Motion carried.

The Speaker appointed the following members:

Representative Bitney, Chair  
Representative Roberts  
Representative Jent

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 680**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chair  
Representative Younkin  
Representative Becker

Representative Bergren moved **SB 422** be taken from the table in the Committee on Transportation and be placed on second reading Legislative Day 78. Motion (requiring a 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Parker, Peterson, Raser, Ripley, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 55

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Rice, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 42

Excused: Gallus.  
Total 1

Absent or not voting: Keane, Shockley.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, April 11, 2003. Motion carried.

House adjourned at 3:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 11, 2003

House Chambers  
State Capitol

House convened at 1:03 p.m. Mr. Speaker in the Chair. Invocation by Representative R. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Ripley, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

**WHEREAS**, Parkinson's disease, a progressive disorder of the central nervous system, affects more than one million people in the United States; and

**WHEREAS**, there is treatment to ease the symptoms, but there is not yet a cure; and

**WHEREAS**, the American Parkinson Disease Association, Inc., founded in 1961, has sought to "Ease the Burden and Find the Cure" for this disease through research, patient and family services, education and sponsorship of 65 chapters, 57 information and referral centers, and 800 support groups throughout the United States; and

**WHEREAS**, April 11th marks the birthday of Dr. James Parkinson who first recognized the disease now named for him; and

**WHEREAS**, the world and the nation will observe "Parkinson's Disease Awareness Month" in April 2003;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that April 2003 be proclaimed as Parkinson's Disease Awareness Month in the state of Montana.

Signed by Senator Bob Keenan, President of the Senate and Representative Doug Mood, Speaker of the House.

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

**WHEREAS**, the Cut Bank Wolves Basketball team are the 2003 State Class B Champions; and

**WHEREAS**, the Cut Bank Wolves, during the 2003 season, were undefeated, chalking up the amazing and enviable record of 27-0; and

**WHEREAS**, the Cut Bank Wolves' coach, Brian Kavanagh, after 13 years as head coach, has the distinguished overall record of 232-99, a 70% winning average with six state tournament appearances; and

**WHEREAS**, the Cut Bank Wolves basketball team during that time achieved the rank of State Champions in both 1993 and 2003, and runner-up in 1998 and 2000, qualifying for State five out of the last six years; and

**WHEREAS**, the Wolves basketball team has the honor of being overall State Champions for the following years:

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1937, 1938, 1957, 1966, 1993 and 2003.

**WHEREAS**, the Cut Bank Wolves, through their hard work and spirit of fair-play, have set a fine example of those qualities which all students in Montana strive to achieve.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the members and coaches of the Cut Bank Wolves and their coach, Brian Kavanagh, for the honor they have achieved and the exceptional qualities they have exhibited throughout this season..

Signed by President Keenan, Speaker Mood, Senator Roush, Representative Juneau, and Representative Ballantyne.

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

**WHEREAS**, Carol Ann Cooke of Bozeman was named National Elementary Physical Education Teacher of the Year on April 3, 2003 in Philadelphia; and

**WHEREAS**, the National Association for Sport and Physical Education gives these awards in recognition of outstanding performance and the ability to motivate today's youth to participate in a lifetime of physical activity; and

**WHEREAS**, the National Association for Sport and Physical Education is an organization of over 25,000 professionals in the fitness field; and

**WHEREAS**, Carol Ann Cooke was named Montana's Physical Education Teacher of the Year in 2001, followed by being named the Northwest District Teacher of the Year in 2002; and

**WHEREAS**, Carol is a native of Big Sandy who has been teaching fitness to children at Emily Dickenson Elementary School in Bozeman for 16 years.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to Carol Ann Cooke for receiving this national recognition.

Signed by President Keenan, Speaker Mood, Senator Stonington, and Representative Harris.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker introduced Baktybek Abdrisaev, Ambassador of the Kyrgyz Republic to the United States. The Ambassador then gave a brief speech and thanked the House for such a warm welcome. Mr. Speaker thanked the Ambassador for traveling such a great distance to visit our state.

**BILLS** (Bookout-Reinicke, Chairman):

4/11/2003

Correctly printed: **HJR 43**.

Correctly engrossed: **SB 407**.

Correctly enrolled: **HB 127, HB 130, HB 141, HB 155, HB 169, HB 179, HB 203, HB 218, HB 247, HB 256, HB 289, HB 292, HB 299, HB 315, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 480, HB 573, HB 584, HB 610, HB 618, HB 647, HB 653, HB 681, HB 703.**

Examined by the sponsor and found to be correct: **HB 126, HB 127, HB 130, HB 141, HB 155, HB 169, HB 179,**

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**HB 203, HB 218, HB 247, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 584, HB 647, HB 653.**

Signed by the Speaker at 8:45 a.m., April 10, 2003: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

Signed by the Speaker at 10:35 a.m., April 10, 2003: **HB 145.**

Signed by the Speaker at 11:30 a.m., April 11, 2003: **HB 127, HB 130, HB 141, HB 155, HB 169, HB 179, HB 203, HB 218, HB 247, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 584, HB 647, HB 653.**

Delivered to the Governor for approval at 7:35 a.m., April 11, 2003: **HB 17, HB 20, HB 40, HB 50, HB 54, HB 67, HB 76, HB 98, HB 104, HB 110, HB 123, HB 134, HB 145, HB 157, HB 161, HB 170, HB 171, HB 183, HB 210, HB 222, HB 224, HB 237, HB 269, HB 303, HB 337, HB 481, HB 499, HB 527, HB 532.**

**BUSINESS AND LABOR** (McKenney, Chairman):

4/11/2003

**HJR 44**, be adopted. Report adopted.

**SB 464**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

April 11, 2003

Marilyn Miller, Chief Clerk  
Montana House of Representatives

I am directed by the Senate to request the return of **House Bill 90** by E. Clark, "Voluntary protective services and provisions for dismissal of cases" because of a staff error with a Committee of the Whole amendment. It is our intention to correct the error and return the corrected bill to the House for concurrence in the corrected version.

Rosana Skelton  
Secretary of the Senate

**House amendments to Senate bills** concurred in:

4/10/2003

**SB 13**, introduced by Mahlum  
**SB 111**, introduced by Nelson  
**SB 115**, introduced by Mahlum

**House amendments to Senate bill not** concurred in:

4/10/2003

**SB 326**, introduced by McGee

**House bill** concurred in and returned to the House:

4/10/2003

**HB 758**, introduced by Devlin

Conference Committee Report No.1 adopted:

4/10/2003

**HB 56**, introduced by B. Thomas

*STATE INTERNET/BBS COPY*

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**HB 403**, introduced by Keane  
**SB 47**, introduced by Gebhardt

**HB 107** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 107**:  
4/10/2003

Senator Glaser, Chair  
Senator Black  
Senator Elliott

**HB 201** - The Senate acceded to the request of the House and authorized the President to appoint the following Free Conference Committee to meet with a like committee from the House to confer on **HB 201**:  
4/10/2003

Senator Sprague, Chair  
Senator Gebhardt  
Senator Wheat

**HB 277** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 277**:  
4/10/2003

Senator Sprague, Chair  
Senator Gebhardt  
Senator McCarthy

**HB 298** - The Senate acceded to the request of the House and authorized the President to appoint the following Free Conference Committee to meet with a like committee from the House to confer on **HB 298**:  
4/10/2003

Senator Gebhardt, Chair  
Senator McGee  
Senator Wheat

**HB 642** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 642**:  
4/10/2003

Senator Story, Chair  
Senator Glaser  
Senator Toole

**SB 126** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 126**:  
4/11/2003

Senator Story, Chair  
Senator Black  
Senator Toole

**MESSAGES FROM THE GOVERNOR**

April 10, 2003

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The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 474** sponsored by Representative Weiss et al. on April 10, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 10, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 693, **"AN ACT PROVIDING THAT CHILD SUPPORT OBLIGATIONS DETERMINED PURSUANT TO ADMINISTRATIVE PROCEDURE ARE EFFECTIVE IMMEDIATELY UPON SERVICE OF A NOTICE OF FINANCIAL RESPONSIBILITY ON THE PARENT OR PARENTS AND THAT FINAL ORDERS ARE RETROACTIVE TO THAT DATE; PROVIDING THAT A NOTICE OF FINANCIAL RESPONSIBILITY MUST INCLUDE A STATEMENT REGARDING ITS IMMEDIATE EFFECTIVENESS; AMENDING SECTION 40-5-225, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

House Bill No. 693 provides child support during the pendency of a child support establishment action before the Child Support Enforcement Division (CSED). This raises constitutional issues, specifically due process violations. The enforcement of private rights, including notice and right to a fair hearing before a tribunal with the power to decide a case, is paramount.

Currently, Montana law provides that an administrative child support order must be first adjudicated, with notice and opportunity for a hearing, prior to any enforcement action. Further, no enforcement is allowed until the final order is entered.

For these reasons, I recommend that House Bill No. 693, Section 40-5-225 (2)(c) in pertinent part read: The notice must include a statement that the monthly support obligation is effective on the date of service of the notice, *unless an objection is made and a hearing is requested*, and may be collected during the proceeding that establishes the



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support obligation by any remedy available to the department for the enforcement of child support obligations.

I have enclosed my amendment to that effect. Please be advised that Representative Sinrud, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 693

1. Page 1, line 24.

**Following:** "notice"

**Insert:** ", unless an objection is made and a hearing is requested,"

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 45**, introduced by Small-Eastman, referred to Natural Resources.

Majority Leader Brown moved that the House recess until 1:55 p.m. for caucuses. Motion carried.

House recessed at 1:26 p.m.

House reconvened at 1:58 p.m. All members present, except Representative Ripley, excused. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 201**  
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 201** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 201** (reference copy -- salmon) be amended as follows:

1. Page 3, line 26.

**Strike:** "under this section"

**Insert:** "for a federal write-in absentee ballot"

2. Page 6, line 4.

**Strike:** ";

**Insert:** ". This information is sufficient to meet any identification requirements provided by law for an elector."

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3. Page 6, line 7.

**Following:** "ballot for"

**Insert:** "that election or for"

For the House:

D. Brown, Chairman

Jent

Wagman

For the Senate:

Sprague, Chairman

Gebhardt

Wheat

**FREE CONFERENCE COMMITTEE**  
on **House Bill 259**  
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 259** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 259** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

**Following:** "~~BORDER~~"

**Insert:** "BETWEEN THE CANADIAN BORDER AND REFERENCE MARKER 133 NORTHWEST OF WHITEFISH"

2. Page 1, line 12.

**Following:** "61-8-310,"

**Strike:** "AND"

3. Page 1, line 13.

**Following:** "~~section,~~"

**Insert:** "and subsection (2) of this section,"

4. Page 1.

**Following:** line 22

**Insert:** "(2) The speed limit for vehicles traveling on U.S. highway 93 between reference marker 133 northwest of Whitefish and the Idaho border is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway."

**Renumber:** subsequent subsections

5. Page 1, line 26.

**Strike:** "SUBSECTION"

**Insert:** "subsections"

**Following:** "~~(2)~~"

**Insert:** "and (2)"

6. Page 2, line 1.

**Strike:** "SUBSECTION"

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**Insert:** "subsections"

**Following:** "~~(2)~~"

**Insert:** "and (2)"

For the House:

Maedje, Chairman  
Gallik  
Lake

For the Senate:

DePratu, Chairman  
Cocchiarella  
Curtiss

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 277**  
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 277** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 277** (reference copy -- salmon) be accepted by the House.

For the House:

Younkin, Chairman  
Haines  
Lindeen

For the Senate:

Sprague, Chairman  
Gebhardt  
McCarthy

**FREE** CONFERENCE COMMITTEE  
on **House Bill 283**  
Report No. 1, April 11, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 283** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 283** (reference copy -- salmon) be accepted by the House.

For the House:

Fuchs, Chairman  
Balyeat  
Jent

For the Senate:

Sprague, Chairman  
McGee  
Shea

**SECOND READING OF BILLS**  
**(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 89** - Representative Carney moved **SB 89** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**SB 243** - Representative Sinrud moved **SB 243** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 314** - Representative Raser moved **SB 314** be concurred in.

Representative Raser moved **SB 314**, second reading copy, be amended as follows:

1. Page 2, line 9 through line 10.

**Following:** "THAT ARE" on line 9

**Strike:** "IN EXCESS" on line 9 through "THAN" on line 10

**Insert:** "deposited into the general fund, as provided in 2-4-603(1)(b), and that are unanticipated by revenue estimates adopted by the legislature for fiscal years 2004 and 2005, excluding tax audit collections, of up to"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Sales.

Total 1

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent, Maedje.

Total 3

Motion that **SB 314**, as amended, be concurred in carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 44

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Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

**SB 424** - Representative Andersen moved **SB 424**, as amended, be concurred in.

Representative Lawson moved **SB 424**, second reading copy, be amended as follows:

1. Title, line 13.

**Strike:** the first "AN"

**Strike:** the first "DATE"

**Insert:** "DATES"

**Strike:** the second "AN"

**Strike:** the second "DATE"

**Insert:** "DATES"

2. Page 10.

**Following:** line 29

**Insert:** "NEW SECTION. Section 9. Extension of school election deadlines. In order to allow for the orderly and efficient conduct of the regular school elections scheduled for May 6, 2003, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, in 2003 only, a school district may limit the regular school election scheduled for May 6, 2003, to trustee elections only and may reschedule a single general fund operating levy election at any time prior to the adoption of a final budget pursuant to 20-9-131. In addition, all statutory deadlines for the May 6, 2003, regular school election that fall on or before April 18 are extended to April 28, 2003, except that the timeline for posting the election notice is changed to April 28, 2003, through May 2, 2003."

**Renumber:** subsequent section

3. Page 11.

**Following:** line 2

**Insert:** "(3) [Sections 9, 11, and this section] are effective on passage and approval."

**Insert:** "NEW SECTION. Section 11. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 27, 2003."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

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Noes: Balyeat, Everett.  
Total 2

Voted Absentee: Ripley, Aye.

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

Representative Lawson moved **SB 424**, second reading copy, be further amended as follows:

1. Title, line 4.

**Following:** "FINANCE;"

**Insert:** "PROVIDING FOR ANNUAL INFLATION-RELATED ADJUSTMENTS TO THE BASE FUNDING PROGRAM AMOUNTS FOR SCHOOL DISTRICT BASIC ENTITLEMENTS AND PER-ANB ENTITLEMENTS;"

2. Title, line 13.

**Strike:** the first "AN"

**Strike:** the first "DATE"

**Insert:** "DATES"

3. Page 1.

**Following:** line 15

**Insert:** "NEW SECTION. Section 1. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements. (1) The superintendent of public instruction shall determine the inflation factor for each school fiscal year by dividing the consumer price index for July 1 of the current school fiscal year by the consumer price index for July 1 of the prior school fiscal year.

(2) The present law base for K-12 public education, calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section.

(3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor."

**Renumber:** subsequent sections

4. Page 11, line 1.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This"

**Insert:** "(1) Except as provided in subsections (2) and (3), [this"

5. Page 11.

**Following:** line 2

**Insert:** "(2) [Section 1] is effective July 1, 2005."

Amendment adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 53

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 47

Voted Absentee: Ripley, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Facey moved **SB 424**, second reading copy, be further amended as follows:

1. Title, line 10.

**Following:** "DISTRICT;"

**Insert:** "REVISING BASE AID; INCLUDING 40 PERCENT OF THE SPECIAL EDUCATION ALLOWABLE COST PAYMENT IN THE DEFINITION OF "BASE AID"; PROVIDING A PER-EDUCATOR ENTITLEMENT OF \$1,000 FOR EACH FULL-TIME EQUIVALENT EDUCATOR EMPLOYED BY A PUBLIC SCHOOL DISTRICT, A SPECIAL EDUCATION COOPERATIVE, THE MONTANA SCHOOL FOR THE DEAF AND BLIND, AND A STATE YOUTH CORRECTIONAL FACILITY; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE THE PER-EDUCATOR ENTITLEMENT TO CERTAIN ENTITIES;"

**Following:** "SECTIONS"

**Insert:** " 20-9-306, 20-9-344,"

2. Title, line 13.

**Following:** "PROVIDING"

**Strike:** "AN"

**Following:** "EFFECTIVE"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 1, line 16.

**"NEW SECTION. Section 1. Per-educator entitlement paid to state-funded K-12 schools and special education cooperatives.** (1) (a) The state shall provide a total per-educator entitlement to:

- (i) public school districts, as defined in 20-6-101 and 20-6-701;
- (ii) special education cooperatives, as described in 20-7-451;
- (iii) the Montana school for the deaf and blind, as described in 20-8-101; and
- (iv) state youth correctional facilities, as defined in 41-5-103.



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(b) A special education cooperative that has not met the requirements of 20-7-453 and 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) The total per-educator entitlement for special education cooperatives, the Montana school for the deaf and blind, and state youth correctional facilities must be calculated as provided in 20-9-306 and distributed directly to those entities by the superintendent of public instruction.

**Insert: "Section 2.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; ~~and~~

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and ~~up to~~ 40% of the special education allowable cost payment; and

(c) the total per-educator entitlement.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total per-educator entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$213,819 for each high school district;

(b) \$19,244 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) \$19,244 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) \$213,819 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total per-educator entitlement for the district, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,205 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with

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each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,906 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,906 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,205 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(11) "Total per-educator entitlement" means the entitlement resulting from multiplying \$1,000 by the number of full-time equivalent educators, as reported to the office of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in [section 1] in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education; or

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302; and

(ii) is employed by an entity listed in [section 1] to provide services to students."

**Insert: "Section 3.** Section 20-9-344, MCA, is amended to read:

**"20-9-344. Duties of board of public education for distribution of BASE aid.** (1) The board of public education shall administer and distribute the BASE aid and state advances for county equalization in the manner and with the powers and duties provided by law. To this end, the board of public education ~~shall~~:

(a) shall adopt policies for regulating the distribution of BASE aid and state advances for county equalization in accordance with the provisions of law;

(b) must have the power to require reports from the county superintendents, budget boards, county treasurers, and trustees ~~as that~~ it considers necessary; and

(c) shall order the superintendent of public instruction to distribute the BASE aid on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of BASE aid, the board of public education may not increase or decrease the BASE aid distribution to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(2) The board of public education may order the superintendent of public instruction to withhold distribution of BASE aid from a district when the district fails to:

(a) submit reports or budgets as required by law or rules adopted by the board of public education; or

(b) maintain accredited status.

(3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or county equalization money, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.

(4) If a district or county receives more BASE aid than it is entitled to, the county treasurer shall return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the superintendent of public instruction.

(5) Except as provided in 20-9-347(2), the BASE aid payment must be distributed according to the following schedule:

(a) from August to October of the school fiscal year, 10% of the direct state aid and total per-educator entitlement to each district;

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(b) from December to April of the school fiscal year, 10% of the direct state aid and total per-educator entitlement to each district;

(c) in November of the school fiscal year, one-half of the guaranteed tax base aid payment to each district or county that has submitted a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134;

(d) in May of the school fiscal year, the remainder of the guaranteed tax base aid payment to each district or county; and

(e) in June of the school fiscal year, the remaining payment to each district of direct state aid and total per-educator entitlement.

(6) The distribution provided for in subsection (5) must occur by the last working day of each month.""  
**Renumber:** subsequent sections

4. Page 10, line 30.

**Insert:** "NEW SECTION. Section 11. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1]."

**Renumber:** subsequent section

5. Page 11, line 1.

**Strike:** "date"

**Insert:** "dates"

**Following:** "applicability."

**Insert:** "(1) [Sections 1 through 3] are effective July 1, 2004.

(2)"

**Strike:** "[This act] is"

**Insert:** "[Sections 4 through 12] are "

6. Page 11, line 2.

**Strike:** "applies"

**Insert:** "apply"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Ripley, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Motion that **SB 424**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, E. Clark, Everett, Kasten, Lewis, Pattison, Sales, Sinrud, Waitschies.

Total 9

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**SB 454** - Representative Jackson moved **SB 454** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Everett, Gallus, Lawson, Lewis, Sales, Wanzenried.

Total 7

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

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Total 1

**SB 458** - Representative A. Olson moved **SB 458** be concurred in.

Representative Lake moved for cloture. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Erickson, Fisher, Forrester, Fritz, Gallus, Haines, Hawk, Hurwitz, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Wagman, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Balyeat, Bergren, Bixby, Branae, Buzzas, Carney, Cohenour, Dickenson, Dowell, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kaufmann, Keane, Maedje, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy.

Total 38

Excused: Ripley.

Total 1

Absent or not voting: Becker, P. Clark, Fuchs, Hedges, Lehman, Lewis.

Total 6

Representative Laszloffy moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Bergren, Buzzas, Carney, Cohenour, Dickenson, Dowell, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jackson, Kaufmann, Musgrove, Newman, Parker, Raser, Shockley, Smith, Wanzenried, Wilson, Windy Boy.

Total 25

Excused: Ripley.

Total 1

Absent or not voting: Ross.

Total 1

Motion that **SB 458** be concurred in carried as follows:

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Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Voted Absentee: Ripley, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 407** - Representative Devlin moved **SB 407** be concurred in.

Representative Wanzenried moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "ESTABLISHING A CAPITAL GAINS CREDIT;"

2. Title, page 1, line 8 through line 11.

**Strike:** "CLARIFYING" on line 8 through "DEDUCTION;" on line 11

**Insert:** "PROVIDING A PROPERTY TAX CREDIT FOR CERTAIN RESIDENTIAL PROPERTY;"

3. Title, page 1, line 17 through line 18.

**Strike:** "13-37-218" on line 17 through "15-30-142," on line 18

4. Title, page 1, line 19.

**Strike:** "EFFECTIVE DATES"

**Insert:** "AN IMMEDIATE EFFECTIVE DATE"

5. Page 23, line 20 through page 37, line 7.

**Strike:** section 40 through section 47 in their entirety

**Insert:** "NEW SECTION. Section 40. Credit for property taxes on certain residences. (1) There is a credit against property taxes levied on single occupancy class four residential improvements with a value that is at least \$7,500 but not more than \$75,000. The amount of the credit will be calculated by the department of revenue and is the product of dividing \$15,752,000 by the number of residential properties that qualify for the credit. The amount of the credit must be printed on the notice sent to qualifying property owners under 15-16-101(2). The credit applies to qualifying residences attached to real property for the billing period of November 2004 and May 2005 and for residences upon which taxes are not a lien on real property for the billing period of May 2005 and November 2005.

(2) The treasurer shall credit the amount determined under subsection (1) to the owner's property taxes due

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and record that the credit was granted. The county treasurer shall then determine the total amount of credits granted and, prior to the remittance of the levy imposed under 20-9-360, reduce the remittance to the department of revenue by the total amount of the credits granted. The amount of the reduction of the remittance must be reported in detail to the department of revenue with the remittance."

**Renumber:** subsequent sections

6. Page 41, line 5.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 40] are"

7. Page 41, line 8 through line 9.

**Strike:** subsection (3) in its entirety

8. Page 41, line 11 through line 12.

**Strike:** section 57 in its entirety

**Renumber:** subsequent sections

9. Page 41, line 21.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1) Except as provided in subsection (2), [this"

**Insert:** "[This"

10. Page 41, line 23.

**Strike:** subsection (2) in its entirety

11. Page 41, line 25.

**Strike:** "(1)"

12. Page 41, line 27.

**Strike:** "(A)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

13. Page 42, lines 3 and 4.

**Strike:** subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Voted Absentee: Ripley, No.

Excused: None.  
Total 0

Absent or not voting: Laslovich.  
Total 1

Representative Kaufmann moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 17.

**Following:** "PRODUCTS;"

**Insert:** "PROVIDING FOR A GROSS RECEIPTS TAX ON RETAIL SALES IN EXCESS OF \$20 MILLION IN AN INDIVIDUAL LOCATION; PROVIDING FOR TAX RATES AND THE ALLOCATION OF THE TAX PROCEEDS; PROVIDING FOR THE REPORTING, ADMINISTRATION, AND COLLECTION OF THE TAX;"

2. Page 40, line 16.

**Insert:** "NEW SECTION. Section 54. Definitions. As used in [sections 54 through 63], the following definitions apply:

(1) "Farm implement" means any vehicle, machine, or attachment designed or adapted and used exclusively for agricultural operations and only incidentally operated or used on the highways.

(2) (a) "Gross receipts" means all receipts from retail sales from each specific store within the state, whether in the form of money, credits, or other valuable consideration, received as a result of engaging in or conducting a retail sales business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid, taxes, losses, or any other expense. A retail sales establishment may deduct the cost of employer contributions for retirement benefits and health insurance for employees from gross receipts.

(b) The term does not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectible accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(2) "Retail sale" means any transfer of tangible personal property for consideration for any purpose other than for resale, sublease, or subrent.

(3) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus.

(4) (a) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses.

(b) The term does not include farm implements, special mobile equipment, or vehicles.

(5) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn that is required to be registered or that is subject to a tax or fee imposed under Title 23, chapter 2, parts 5, 6, or 8, or Title 61, chapter 3, part 5. "

**Insert:** "NEW SECTION. Section 55. Retail sales gross receipts tax. (1) There is a retail sales gross receipts tax. The tax applies to all retail sales of tangible personal property from a single establishment that are in excess of \$20 million each calendar year.

(2) The rate of tax on gross receipts in excess of \$20 million is as follows:

(a) \$20 million to \$30 million, 1%;



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- (b) amounts in excess of \$30 million up to and including \$40 million, 1.5%; and
- (c) amounts in excess of \$40 million, 2%."

**Insert: "NEW SECTION. Section 56. Returns -- payment -- authority of department.** (1) Each person engaged in a retail sales business within this state or using property within this state that is subject to tax under [sections 54 through 63] shall file a return. Retail sales businesses are subject to the reporting and payment provisions of subsection (3).

(2) (a) On or before January 31 of each year, a return, in a form adopted by the department, with a remittance of the tax owed for the preceding year, must be filed with the department. The filing and the remittance may be done electronically.

(b) The retail sales business and any agent of the business, for the purposes of reporting or paying the gross receipts tax, are subject to the audit and accountability provisions of the department.

(3) (a) For the purposes of the gross receipts tax, a return must be filed by each location of a seller required to pay the tax.

(b) A return must be filed with and payment must be received by the department on or before January 31 for taxes owed for gross receipts on retail sales occurring during the preceding year.

(c) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(d) Pursuant to rules established by the department, returns may be computer-generated and electronically filed.

(4) (a) A person required to report and pay to the department a tax under [sections 54 through 63] shall keep records, render statements, make returns, and comply with the provisions of [sections 54 through 63] and the rules prescribed by the department. Each return or statement must include the information required by the rules of the department.

(b) For the purpose of determining compliance with the provisions of [sections 54 through 63], the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

- (i) require the attendance of a person having knowledge or information relevant to a return;
- (ii) compel the production of books, papers, records, or memoranda by the person required to attend;
- (iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;
- (iv) take testimony on matters material to the determination; and
- (v) administer oaths or affirmations."

**Insert: "NEW SECTION. Section 57. Allocation of proceeds.** Retail sales gross receipt tax proceeds must be allocated, pursuant to 15-1-501, to the state general fund."

**Insert: "NEW SECTION. Section 58. Examination of return -- adjustments -- delivery of notices and demands.** (1) If the department determines that the amount of tax due is different from the amount reported, the amount of tax computed on the basis of the examination constitutes the tax to be paid.

(2) If the tax due exceeds the amount of tax reported as due on the taxpayer's return, the excess must be paid to the department within 30 days after notice of the amount and demand for payment are mailed or delivered to the person making the return unless the taxpayer files a timely objection as provided in 15-1-211. If the amount of the tax found due by the department is less than that reported as due on the return and has been paid, the excess must be credited or, if no tax liability exists or is likely to exist, refunded to the person making the return.

(3) The notice and demand provided for in this section must contain a statement of the computation of the tax and interest and must be:

- (a) sent by mail to the taxpayer at the address given in the taxpayer's return, if any, or to the taxpayer's last-known address; or

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(b) served personally upon the taxpayer.

(4) A taxpayer filing an objection to the demand for payment is subject to and governed by the uniform dispute review procedure provided in 15-1-211."

**Insert:** "NEW SECTION. Section 59. Penalties and interest for violations. The provisions of 15-1-216 apply to returns, reports, and failure to pay the tax required under [sections 54 through 63]."

**Insert:** "NEW SECTION. Section 60. Authority to collect delinquent taxes. (1) (a) The department shall collect taxes that are delinquent as determined under [sections 54 through 63].

(b) If a tax imposed by [sections 54 through 63] or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset."

**Insert:** "NEW SECTION. Section 61. Limitations. (1) Except in the case of a person that purposely or knowingly, as those terms are defined in 45-2-101, files a false or fraudulent return violating the provisions of [sections 54 through 63], a deficiency may not be assessed or collected with respect to a year for which a return is filed unless the notice of additional tax proposed to be assessed is mailed to or personally served upon the taxpayer within 5 years from the date that the return was filed. For purposes of this section, a return filed before the last day prescribed for filing is considered to be filed on the last day.

(2) If, before the expiration of the 5-year period prescribed in subsection (1) for assessment of the tax, the taxpayer consents in writing to an assessment after expiration of the 5-year period, a deficiency may be assessed at any time prior to the expiration of the period to which consent was given."

**Insert:** "NEW SECTION. Section 62. Refunds -- interest -- limitations. (1) A claim for a refund or credit as a result of overpayment of taxes collected under [sections 54 through 63] must be filed within 5 years of the date that the return was due, without regard to any extension of time for filing.

(2) (a) Interest on an overpayment must be paid or credited at the same rate as the rate charged on delinquent taxes in 15-16-102.

(b) Except as provided in subsection (2)(c), interest must be paid from the date that the return was due or the date of overpayment, whichever is later. Interest does not accrue during any period in which the processing of a claim is delayed more than 30 days because the taxpayer has not furnished necessary information.

(c) The department is not required to pay interest if:

(i) the overpayment is refunded or credited within 6 months of the date that a claim was filed; or

(ii) the amount of overpayment and interest does not exceed \$1."

**Insert:** "NEW SECTION. Section 63. Administration -- rules. The department shall:

(1) administer and enforce the provisions of [sections 54 through 63];

(2) cause to be prepared and distributed forms and information that may be necessary to administer the provisions of [sections 54 through 63]; and

(3) adopt rules that may be necessary or appropriate to administer and enforce the provisions of [sections 54 through 63]."

**Renumber:** subsequent sections

3. Page 41, line 8.

**Following:** "40"

**Insert:** "and 54 through 63"

4. Page 40, line 9.

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**Following:** "40"

**Insert:** "and 54 through 63"

5. Page 42, line 5.

**Insert:** "(3) [Sections 54 through 63] apply retroactively, within the meaning of 1-2-109, to retail sales after December 30, 2002."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 42

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 57

Voted Absentee: Ripley, No.

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

Representative Harris moved **SB 407**, second reading copy, be amended as follows:

1. Page 4, line 6.

**Following:** "23-2-502,"

**Insert:** "a snowmobile as defined in 23-2-601,"

2. Page 7, line 25.

**Strike:** "4%"

**Insert:** "9%"

3. Page 8, line 11.

**Strike:** "4%"

**Insert:** "9%"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman,

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Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 41

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 59

Voted Absentee: Ripley, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Facey moved **SB 407**, second reading copy, be amended as follows:

1. Title, line 6.

**Strike:** "REDUCING" through "CREDIT;"

2. Title, lines 8 through 11.

**Following:** "REVENUE;" on line 8

**Strike:** remainder of line 8 through "DEDUCTION;" on line 11

3. Title, lines 17 and 18.

**Following:** "SECTIONS" on line 17

**Strike:** remainder of line 17 through "15-30-142," on line 18

4. Title, line 19.

**Following:** "~~DELAYED~~"

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

5. Page 23, line 20 through page 37, line 6.

**Strike:** sections 40 through 47 in their entirety

**Renumber:** subsequent sections

6. Page 41, lines 8 and 9.

**Strike:** subsection (3) in its entirety

7. Page 41, lines 11 and 12.

**Strike:** section 57 in its entirety

**Renumber:** subsequent sections

8. Page 41, line 21.

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**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1)" through "act]"

**Insert:** "[This act]"

9. Page 41, line 23.

**Strike:** subsection (2) in its entirety

10. Page 41, line 25.

**Strike:** "(1)"

11. Page 41, line 27.

**Strike:** "(A)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

12. Page 42, lines 3 and 4.

**Strike:** subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Erickson moved **SB 407**, second reading copy, be amended as follows:

1. Page 23, line 21 through line 23.

**Strike:** "FOR" on line 21 through "2006" on line 23

Amendment **not** adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Voted Absentee: Ripley, No.

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

Representative Peterson moved **SB 407**, second reading copy, be amended as follows:

1. Page 9, line 1.

**Insert:** "(6) Lodging facilities and campgrounds are exempt from the tax imposed in subsections (1)(a) and (3)(a)(i) until October 1, 2003, for contracts entered into prior to [the effective date of this section] that provide for a guaranteed charge for accommodations or campgrounds."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin.

Total 82

Noes: Buzzas, P. Clark, Erickson, Facey, Fisher, Gallus, Galvin-Halcro, Gutsche, Hedges, Kasten, Kaufmann, Lindeen, Parker, Pattison, Wanzenried, Weiss, Windy Boy, Mr. Speaker.

Total 18

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Bookout-Reinicke moved **SB 407**, second reading copy, be further amended as follows:

1. Title, line 12.

**Following:** line 11

**Insert:** "ALLOWING RESIDENTS A CREDIT AGAINST INDIVIDUAL INCOME TAXES FOR THEIR SHARE OF TAXES IMPOSED AND PAID TO ANOTHER STATE OR COUNTRY BY A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER;"

2. Title, line 18.

**Following:** "15-30-122,"

**Insert:** "15-30-124,"

3. Page 35, line 29.

**Insert:** "**Section 47.** Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.** (1) Subject to the conditions provided in subsections (2) through (5), a resident of this state is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~  
(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder; and

(c) the resident's distributive share, whether separately or nonseparately stated, of any income tax imposed by and paid to another state or country by a partnership of which the resident is a partner.

(2) The credit is allowed only for taxes paid to another state or country on income derived from sources within the other state or country that is taxable under the laws of the other state or country regardless of the residence or domicile of the taxpayer.

(3) The credit is not allowed if the other state or country allows residents of this state a credit against the taxes imposed by the other state or country for taxes paid or payable under this chapter.

(4) The allowable credit must be computed by a formula prescribed by the department.

(5) For the purposes of the credit under subsection (1)(b) and (1)(c):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation or partnership on income taxable under this chapter.""

**Renumber:** subsequent sections

4. Page 40, line 12.

**Strike:** "47"

**Insert:** "46 and 48"

5. Page 41, line 23.

**Strike:** "47"

**Insert:** "46 and 48"

6. Page 42, line 5.

**Insert:** "(3) [Section 47] applies retroactively, within the meaning of 1-2-109, to years beginning after December 31,

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2002."

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Forrester, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Mr. Speaker.  
Total 42

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lawson, Lewis, Lindeen, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ripley, Ryan, Shockley, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 58

Voted Absentee: Ripley, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Maedje moved **SB 407**, second reading copy, be further amended as follows:

1. Title, page 1, line 11.

**Following:** "DEDUCTION;"

**Insert:** "DIRECTING THE DEPARTMENT OF REVENUE TO PUBLISH ON THE DEPARTMENT'S HELENA HOMEPAGE ON THE STATE WEBSITE A LIST OF THE 100 INDIVIDUAL INCOME TAXPAYERS WHO OWE THE MOST DELINQUENT TAXES AND THE 100 CORPORATION LICENSE OR INCOME TAXPAYERS WHO OWE THE MOST DELINQUENT TAXES;"

2. Title, page 1, line 18.

**Following:** "15-30-142,"

**Insert:** "15-30-249, 15-30-303, 15-31-511,"

3. Page 37.

**Following:** line 7

**Insert:** "NEW SECTION. Section 48. Delinquency publication. (1) Except as provided in subsection (3), beginning January 1, 2004, the department shall publish on the department's Helena homepage on the state website a list of the 100 individual income taxpayers who owe the most delinquent taxes and the 100 corporation license or income taxpayers who owe the most delinquent taxes. The list may not be published on any of the department's regional websites.

(2) If a taxpayer who is on the list pays the delinquent taxes referred to in subsection (1) or enters into an agreement with the department for the payment of delinquent taxes, the department shall remove the taxpayer's name from the list within 48 hours.

(3) The list may not include a taxpayer who has filed for bankruptcy."



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**Insert: "Section 49.** Section 15-30-249, MCA, is amended to read:

**"15-30-249. Confidentiality.** Reports and returns required to be filed under this part are confidential, subject to the limitations contained in [section 48] and 39-51-603(3) and (4)."

**Insert: "Section 50.** Section 15-30-303, MCA, is amended to read:

**"15-30-303. Confidentiality of tax records.** (1) Except as provided in [section 48], subsections (7) and (8) of this section, or in accordance with a proper judicial order or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-311.

(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(5) Any offense against subsections (1) through (4) is punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for a term not exceeding 1 year, or both. If the offender is an officer or employee of the state, the offender must be dismissed from office and may not hold any public office in this state for a period of 1 year after dismissal.

(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(8) The department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-112(4), for the purpose of enabling the department of justice to

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administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-301, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-223 or 15-70-362, provided that notice to the applicant has been given as provided in 15-70-223 and 15-70-362. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.""

**Insert: "Section 51.** Section 15-31-511, MCA, is amended to read:

**"15-31-511. Confidentiality of tax records.** (1) Except as provided in [section 48], this section in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department ~~of revenue~~ under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4); or

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing

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the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) The department shall on request:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); and

(b) deliver corporation income tax data to the legislative fiscal analyst and the office of budget and program planning, but the information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(5) A person convicted of violating this section shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. If a public servant, as defined in 45-2-101, is convicted of violating this section, the person forfeits office and may not hold any public office or public employment in the state for a period of 1 year after conviction.""

**Renumber:** subsequent sections

4. Page 41.

**Following:** line 9

**Insert:** "(4) [Section 48] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 48]."

5. Page 41, line 21.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

6. Page 41.

**Following:** line 23

**Insert:** "(3) [Sections 48 through 51] are effective July 1, 2003."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Voted Absentee: Ripley, No.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Representative Ripley present at this time.

Motion that **SB 407**, as amended, be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 49

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lewis, Maedje, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 51

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted.

Representative Laszloffy made a **substitute motion** that **SB 407** be segregated from the Committee of the Whole report and that it be placed on second reading Legislative Day 80 and that the remainder of the report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 59

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Musgrove, Newman, Parker, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.  
Total 36

Excused: None.  
Total 0

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Absent or not voting: Fritz, Lindeen, Roberts, Ross, Weiss.  
Total 5

**REPORTS OF STANDING COMMITTEES**

Correctly enrolled: **HB 105, HB 213, HB 223, HB 253, HB 266, HB 270, HB 338, HB 396, HB 410, HB 451, HB 468, HB 521, HB 525, HB 537, HB 540, HB 553, HB 556, HB 563, HB 577, HB 588, HB 758.**

Examined by the sponsor and found to be correct: **HB 105, HB 213, HB 223, HB 253, HB 266, HB 270, HB 338, HB 396, HB 410, HB 451, HB 468, HB 521, HB 525, HB 537, HB 540, HB 553, HB 556, HB 563, HB 588, HB 758.**

**TAXATION** (Fuchs, Chairman):

4/11/2003

**SB 155**, be concurred in. Report adopted.

**SB 474**, be amended as follows:

1. Title, line 11.

**Following:** "PROGRAM;"

**Insert:** "PROVIDING FOR THE USE OF TOBACCO SETTLEMENT FUNDS FOR FUNDING THE PROGRAM;"

2. Title, line 14.

**Following:** line 13

**Insert:** "17-6-606,"

3. Page 7, line 8.

**Insert:** "**Section 9.** Section 17-6-606, MCA, is amended to read:

**"17-6-606. Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program; ~~and~~
- (d) provide funds for the comprehensive health association programs; ~~and~~
- (e) provide funds for the Montana gold senior pharmacy program provided for in [sections 1 through 7].

unless the legislature appropriates tobacco settlement trust funds for the program.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use and to provide funds for the Montana gold senior pharmacy program provided for in [sections 1 through 7], unless the legislature appropriates tobacco settlement trust funds for the program. The department of public health and human services shall manage the tobacco disease prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; ~~and~~

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(b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513; and

(c) funding for the Montana gold senior pharmacy program provided for in [sections 1 through 7], unless the legislature appropriates tobacco settlement trust funds for the program.

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.

(6) Programs funded under this section that are private in nature may be funded through contracted services.'''

**Renumber:** subsequent sections

4. Page 14, line 14.

**Following:** "FOR"

**Insert:** "using tobacco settlement proceeds for"

5. Page 14, line 15.

**Following:** "AGAINST"

**Insert:** "using tobacco settlement proceeds for"

And, as amended, be concurred in. Report adopted.

**SB 484**, be concurred in. Report adopted.

**SB 487**, be concurred in. Report adopted.

Representative Lindeen excused at this time.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 94, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Callahan, Sinrud.

Total 2

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Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 152, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Buzzas, Galvin-Halcro, Jayne, Juneau, Ryan, Wanzenried, Weiss.  
Total 8

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 159, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, Bixby, Buzzas, Callahan, Fuchs, Galvin-Halcro, Golie, Kasten, Kaufmann, Sales, Sinrud, Wanzenried, Wilson.  
Total 13

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 199, as amended by the Senate**, passed as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Franklin, Fuchs.

Total 2

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 408, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 441, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm,



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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Laszloffy, Ryan, Sales.  
Total 4

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 484, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Sinrud.  
Total 1

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 512, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Bergren, P. Clark, Franklin, Golie, Jent, Pattison, Sales.

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Total 8

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 517, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Fisher, Fuchs, Jacobson, Lake, McKenney, B. Olson, Sales, Sinrud.

Total 9

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 538, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, D. Brown, P. Clark, Golie, Jayne, Sales.

Total 6

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

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**HB 545, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Ballantyne, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Musgrove, Parker, Raser, Small-Eastman, Smith, Weiss, Wilson.

Total 32

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 609, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 640, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, Pattison, Peterson,

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Raser, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Cohenour, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Newman, Noennig, B. Olson, Parker, Ryan, Smith, Weiss, Wilson.

Total 31

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 641, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Bookout-Reinicke, P. Clark, Franklin, Jayne, Keane.

Total 6

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 648, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

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Noes: None.  
Total 0

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 667, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 92

Noes: Barrett, R. Brown, Gutsche, Rice, Younkin.  
Total 5

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 669, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Barrett, Bixby, Buzzas, Dickenson, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Kaufmann, Rice, Ripley.  
Total 12

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.

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Total 2

**HB 676, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Everett, Fuchs, Lake, Maedje, B. Olson.

Total 5

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 677, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Fuchs, Lawson, Maedje, Morgan, A. Olson, B. Olson, Wilson.

Total 7

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**HB 698, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Fuchs, Kasten, Laszloffy, Morgan, Pattison, Sales, Waitschies.  
Total 8

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 733, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Bookout-Reinicke, Carney, Erickson, Galvin-Halcro, Gutsche, Harris, Kaufmann.  
Total 7

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HB 734, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

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Noes: Balyeat, Fuchs, Laszloffy, Sales.  
Total 4

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HJR 4, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Bergren, Buzzas, Franklin, Gallik, Gutsche, Kaufmann, Lake, Newman, Raser, Wanzenried, Weiss.  
Total 11

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HJR 8, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, Bitney, D. Brown, Everett, Fisher, Hawk, Jent, Lake, Morgan, Rice, Ripley, Sales, Sinrud, Waitschies, Weiss.  
Total 16

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.



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Total 2

**HJR 17, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Erickson, Jent, Weiss.  
Total 3

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HJR 29, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 87

Noes: Balyeat, Callahan, Everett, Jent, Laszloffy, Morgan, Sales, Sinrud, Weiss, Younkin.  
Total 10

Excused: Lindeen.  
Total 1

Absent or not voting: Roberts, Ross.  
Total 2

**HJR 32, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert,

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Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Dowell, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 21

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**SB 271** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Musgrove, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**MOTIONS**

Representative R. Brown moved **SB 314** be taken from third reading and be rereferred to the Committee on Appropriations. The motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.

Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,

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Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lenhart, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 51

Excused: Lindeen.

Total 1

Absent or not voting: Roberts, Ross.

Total 2

**ANNOUNCEMENTS**

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, April 12, 2003. Motion carried.

House adjourned at 7:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 12, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sinrud. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gallus, Lindeen, Pattison, and Small-Eastman, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Mr. Angelo Bianco of the Military Order of the Purple Heart presented the Speaker and House members of the 58th Montana Legislature with a plaque for the Distinguished Service Award. This is in honor of HB 250, which recommended a license plate that honored the combat wounded.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/11/2003  
Correctly printed: **HJR 44, SB 155, SB 424, SB 464, SB 487.**  
Correctly engrossed: **SB 474.**  
Examined by the sponsor and found to be correct: **HB 256, HB 289, HB 292, HB 299, HB 315, HB 480, HB 573, HB 610, HB 618, HB 681, HB 703.**

**TAXATION** (Fuchs, Chairman): 4/12/2003  
**SB 461**, be amended as follows:

1. Title, page 1, line 7 through line 11.  
**Strike:** "PROVIDING" on line 7 through "PROPERTY;" on line 11
2. Title, page 1, line 12.  
**Strike:** "3"  
**Insert:** "3.01"
3. Title, page 1, line 12 through line 15.  
**Strike:** "PROVIDING" on line 12 through "BRACKETS;" on line 15
4. Title, page 1, line 17.  
**Following:** "PROPERTY"  
**Insert:** "AND COMMERCIAL AND INDUSTRIAL PROPERTY"
5. Title, page 1, line 19.  
**Following:** "TAXATION;"  
**Insert:** "PROVIDING FOR AN INTERIM PROPERTY TAX REAPPRAISAL STUDY COMMITTEE AND A TAX REFORM STUDY COMMITTEE; PROVIDING AN APPROPRIATION;"  
**Strike:** "5-2-301,"
6. Title, page 1, line 20.  
**Strike:** "7-13-2527,"

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**Strike:** "15-6-138, 15-6-191,"

**Strike:** "15-7-103,"

**Insert:** "AND"

7. Title, page 1, line 21.

**Strike:** "15-8-111, AND 15-16-102,"

8. Page 2, line 13 through page 6, line 16.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

9. Page 7, line 22 through page 9, line 24.

**Strike:** sections 3 through 5 in their entirety

**Renumber:** subsequent sections

10. Page 9, line 28.

**Following:** "~~(1)(AA)~~"

**Insert:** "and (1)(aa)"

11. Page 9, line 30.

**Following:** "~~(1)(AA)~~"

**Insert:** "and (1)(aa)"

12. Page 10, line 10.

**Following:** "~~both~~"

**Insert:** "but before deducting depreciation or depletion allowance, or both"

13. Page 10, line 25.

**Strike:** "[SECTION 3], [SECTION 1],"

14. Page 10, line 28.

**Strike:** "3.38%"

**Insert:** "3.40%"

15. Page 11, line 3.

**Strike:** "3%"

**Insert:** "3.01%"

16. Page 13, line 21 through page 17, line 2.

**Strike:** sections 7 through 9 in their entirety

**Renumber:** subsequent sections

17. Page 19, line 22 through line 24.

**Following:** "~~FOLLOWING~~" on line 22

**Insert:** "following"

**Strike:** "~~CLASS~~" on line 22 through "~~FOUR~~" on line 23

**Insert:** "residential"

**Following:** "15-6-134" on line 23

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**Insert:** "(1)(e) and (1)(f)"

**Strike:** "AND" on line 23 through "¿" on line 24

**Insert:** ":",

18. Page 20.

**Following:** line 15

**Insert:** "(i) 31% for tax year 2003;

(ii) 31.4% for tax year 2004;

(iii) 32% for tax year 2005;

(iv) 32.6% for tax year 2006;

(v) 33.2% for tax year 2007;

(vi) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

(i) 13% for tax year 2003;

(ii) 13.3% for tax year 2004;

(iii) 13.8% for tax year 2005;

(iv) 14.2% for tax year 2006;

(v) 14.6% for tax year 2007;

(vi) 15% for tax year 2008 and succeeding tax years;"

**Renumber:** subsequent subsections

19. Page 21, line 23.

**Strike:** "(1)(AA)"

**Insert:** "(1)(bb)"

20. Page 24, line 23 through line 25.

**Following:** "FOLLOWING" on line 23

**Insert:** "following"

**Strike:** "CLASS" on line 23 through "FOUR" on line 24

**Insert:** "residential"

**Following:** "15-6-134" on line 24

**Insert:** "(1)(e) and (1)(f)"

**Strike:** "AND" on line 24 through "¿" on line 25

**Insert:** ":",

21. Page 25.

**Following:** line 16

**Insert:** "(i) 31% for tax year 2003;

(ii) 31.4% for tax year 2004;

(iii) 32% for tax year 2005;

(iv) 32.6% for tax year 2006;

(v) 33.2% for tax year 2007;

(vi) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

(i) 13% for tax year 2003;

(ii) 13.3% for tax year 2004;

(iii) 13.8% for tax year 2005;

(iv) 14.2% for tax year 2006;

(v) 14.6% for tax year 2007;

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(vi) 15% for tax year 2008 and succeeding tax years;"

**Renumber:** subsequent subsections

22. Page 27, line 7.

**Strike:** "~~(1)(AA)~~"

**Insert:** "(1)(bb)"

23. Page 27, line 21 through page 28, line 13.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

24. Page 30, line 25 through page 33, line 14.

**Strike:** sections 13 through 14 in their entirety

**Renumber:** subsequent sections

25. Page 33, line 25.

**Following:** "REAPPRAISAL"

**Insert:** "and tax reform"

**Following:** "STUDY"

**Insert:** "committees"

**Following:** "(1)"

**Insert:** "(a)"

26. Page 33, line 28.

**Strike:** "~~(2)~~"

**Insert:** "(b)"

27. Page 33.

**Following:** line 30

**Insert:** "(2) (a) There is an interim tax reform study committee created to study tax reform that may include revising the existing tax structure and considering alternative forms of taxation. The members must include:

- (i) four senators, two from each political party, appointed by the committee on committees;
- (ii) four representatives, two appointed by the speaker and two appointed by the minority leader; and
- (iii) the following members appointed by the governor:
  - (A) one representative of small business;
  - (B) one representative of large industry;
  - (C) one representative of agriculture; and
  - (D) one representative of labor.

(b) The members of the committee shall select a presiding officer and may appoint other officers as considered necessary.

(c) The committee shall adopt rules of procedure for conducting meetings.

(d) The purpose of the committee is to conduct a comprehensive examination of taxation in Montana. The committee shall:

- (i) develop an inventory of taxes imposed at the state and local level, including but not limited to:
  - (A) the taxation of property;
  - (B) the taxation of income;
  - (C) excise and use taxes; and
  - (D) taxation of natural resource production, including energy production and transmission;
- (ii) provide analyses that evaluate existing taxes in terms of:

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(A) their adequacy, efficiency, burden or incidence, fairness, ability to be exported, and effect on economic behavior, including their effect on individual and business decisions; and

(B) costs of administration and compliance;

(iii) examine tax expenditures to assess the ongoing merit of each expenditure; and

(iv) examine alternative methods of taxation from existing sources, as well as new sources of revenue, and evaluate the alternative methods and new sources according to the criteria described in subsection (2)(d)(ii).

(e) The committee shall solicit the knowledge and advice of economists, tax policy experts, and representatives of taxpayer groups, local governments, small business organizations, large industry, agriculture, and economic and business development organizations.

(3) The committees created in this section shall coordinate their work and shall report to each other after each meeting. The two committees shall meet together at least once every 6 months.

(4) The committees shall submit written reports to the legislature not later than December 1, 2004, that must include recommendations and proposed legislation, if legislation is considered necessary, to mitigate the effects of cyclical reappraisal and to provide tax reform for Montana."

**Renumber:** subsequent subsection

28. Page 34, line 1.

**Strike:** "COMMITTEE IS"

**Insert:** "committees are"

29. Page 34.

**Following:** line 2

**Insert:** "(6) (a) Nonlegislative members of the tax reform study committee must be reimbursed in accordance with 2-18-501 through 2-18-503 for actual and necessary expenses incurred in attending meetings or conducting committee business.

(b) Legislators serving on the committees must be reimbursed and compensated as provided for in 5-2-302 for actual and necessary expenses incurred in attending meetings or conducting committee business."

**Insert:** "NEW SECTION. Section 6. Appropriation. (1) The committees created in [section 5] may receive gifts, grants, and donations. The money received must be used for fulfilling the duties of the committees, for reimbursing the expenses of committee members, or for providing staff for the committees. The money received must be placed in a special revenue fund account to the credit of the department of revenue.

(2) In addition to any money received pursuant to subsection (1), there is appropriated \$60,000 from the general fund to the committees created in [section 5] for the biennium for the operating expenses and personnel expenses of the committees."

**Renumber:** subsequent sections

30. Page 34, line 4 through line 10.

**Strike:** section 17 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

**on Senate Bill 57**

Report No. 1, April 11, 2003

Mr. President and Mr. Speaker:



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We, your Free Conference Committee met and considered **Senate Bill 57** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 57** (reference copy -- salmon) be amended as follows:

1. Page 1, line 27.

**Strike:** "IMPAIRMENT"

**Insert:** "disorder"

2. Page 1, line 28.

**Strike:** "DISORDER OR"

**Insert:** "substantial"

3. Page 1, line 29.

**Strike:** "AFFLICTED"

For the Senate:

Wheat, Chairman  
Keenan  
Mangan

For the House:

B. Thomas, Chairman  
Gallus  
Lange

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

4/11/2003

**HB 9**, introduced by Kasten

**HB 100**, introduced by Jent

**HB 249**, introduced by Barrett

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/11/2003

**HB 5**, introduced by Kasten

**House amendments to Senate bills** concurred in:

4/11/2003

**SB 35**, introduced by Grimes

**SB 95**, introduced by Stonington

**SB 194**, introduced by Tash

**SB 230**, introduced by Cromley

**SB 231**, introduced by Cromley

**SB 232**, introduced by Mahlum

**SB 244**, introduced by Story

**SB 263**, introduced by Grimes

**SB 270**, introduced by Harrington

**SB 275**, introduced by Laible

**SB 282**, introduced by Squires

**SB 288**, introduced by Mangan

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**SB 321**, introduced by Laible  
**SB 344**, introduced by Laible  
**SB 363**, introduced by McNutt  
**SB 401**, introduced by Wheat  
**SB 423**, introduced by Black  
**SB 441**, introduced by D. Ryan  
**SB 447**, introduced by Grimes

**House amendments to Senate bills not concurred in:**

4/11/2003

**SB 62**, introduced by D. Ryan  
**SB 130**, introduced by McGee  
**SB 252**, introduced by Squires  
**SB 304**, introduced by Johnson  
**SB 330**, introduced by Mangan  
**SB 347**, introduced by Keenan  
**SB 349**, introduced by Anderson  
**SB 360**, introduced by F. Thomas  
**SB 362**, introduced by Grimes  
**SB 375**, introduced by Elliott  
**SB 395**, introduced by Perry

**HB 404** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 404**:

4/11/2003

Senator Grimes, Chair  
Senator Cromley  
Senator Perry

**HB 433** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 433**:

4/11/2003

Senator Grimes, Chair  
Senator McCarthy  
Senator Tash

**HB 304** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 304**:

4/11/2003

Senator Johnson, Chair  
Senator Stapleton  
Senator Tropila

**HB 509** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 509**:

4/11/2003

Senator Johnson, Chair  
Senator McCarthy

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Senator F. Thomas

**HB 536** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 536**:

4/11/2003

Senator Perry, Chair  
Senator Black  
Senator Mangan

**HB 564** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 564**:

4/11/2003

Senator Mahlum, Chair  
Senator Anderson  
Senator Cocchiarella

**HB 689** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 689**:

4/11/2003

Senator Gebhardt, Chair  
Senator McNutt  
Senator Squires

**HB 720** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 720**:

4/11/2003

Senator Tash, Chair  
Senator Bales  
Senator Nelson

**SB 326** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 326**:

4/11/2003

Senator McGee, Chair  
Senator Grimes  
Senator Wheat

**MESSAGES FROM THE GOVERNOR**

April 11, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 160** sponsored by Representative Haines, **House Bill 417**

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sponsored by Representative Golie et al., **House Bill 445** sponsored by Representative Pattison et al., **House Bill 546** sponsored by Representative Wagman et al., **House Bill 617** sponsored by Representative Mendenhall et al., and **House Bill 678** sponsored by Representative Lindeen on April 11, 2003.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ballantyne in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Pattison present at this time.

**HB 190 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 190** be concurred in. Motion **failed** as follows:

Ayes: Everett, Fuchs, Hawk, Hedges, Maedje, Mendenhall, Pattison, Steinbeisser, Witt.  
Total 9

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 90

Voted Absentee: Gallus, Lindeen, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: Malcolm.  
Total 1

**HB 701 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 701** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Fuchs, Jent, Shockley.  
Total 3

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ballantyne, Facey, Malcolm.  
Total 3

**HJR 36** - Representative Pattison moved **HJR 36** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Bergren, Bixby, Buzzas, Callahan, Cyr, Erickson, Fritz, Gutsche, Harris, Jayne, Juneau, Kaufmann, Windy Boy.  
Total 13

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: E. Clark, Gallik, Malcolm.  
Total 3

**HR 4** - Representative Wanzenried moved **HR 4** be adopted.

Representative Wagman moved **HR 4**, second reading copy, be amended as follows:

1. Page 1, line 21.  
**Strike:** "."

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**Insert:** "; and"

2. Page 1.

**Following:** line 22

**Insert:** "WHEREAS, President George W. Bush, as Commander-in-Chief of the Armed Forces of the United States, is always in our prayers."

Amendment **not** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Everett, Fisher, Forrester, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lewis, Maedje, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schruppf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lehman, Lenhart, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Rome, Ryan, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Malcolm.  
Total 1

Motion that **HR 4** be adopted carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Sinrud, Wagman.  
Total 2

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ballantyne moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Bergren, Bixby, R. Brown, Callahan, Erickson, Everett, Franklin, Fuchs, Gillan, Gutsche, Harris, Jayne, Juneau, Sinrud, Wagman, Windy Boy.  
Total 16

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Ballantyne, Malcolm, Musgrove.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 89** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

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Absent or not voting: Malcolm.  
Total 1

**SB 243** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Malcolm.  
Total 1

**SB 454** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Bergren, Lawson, Lewis, B. Olson, Sales, Shockley, Wanzenried.  
Total 8

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Malcolm.  
Total 1

**SB 458** concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange,



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Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Musgrove, Noennig, Parker, Raser, Ryan, Sales, Shockley, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Gallus, Lindeen, Small-Eastman.

Total 3

Absent or not voting: Malcolm.

Total 1

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 190**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chairman

Representative Hurwitz

Representative Windy Boy

Representative Laszloffy moved to **suspend the rules** for the late drafting, introduction, and transmittal of a bill to correct the language in HB 188. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Lambert, Lewis, Maedje, Ryan, Sales, Witt.

Total 7

Excused: Gallus, Lindeen, Small-Eastman.

Total 3

Absent or not voting: Malcolm, Rome.

Total 2

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:30 a.m., Monday, April 14, 2003. Motion carried.

House adjourned at 9:27 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 14, 2003

House Chambers  
State Capitol

House convened at 10:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Lehman and Maedje, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Gillian Brown, Billings  
Chad Davis, Laurel  
Brittany Reinschmidt, Whitehall  
Sam Roth, Helena  
Nicole Salsbery, Malta  
Mark Stannebein, Malta  
Justin Stratton, Whitehall  
Valerie Tutvedt, Kalispell

**MESSAGES FROM THE SENATE**

Governor's amendments to **House bill not** concurred in and returned to the House: 4/12/2003

**HB 87**, introduced by Jent

**Senate bills** passed and transmitted to the House for concurrence: 4/12/2003

**SB 421**, introduced by Grimes

**SB 490**, introduced by Grimes

**Senate joint resolutions** passed and transmitted to the House for concurrence: 4/12/2003

**SJR 29**, introduced by Toole

**SJR 31**, introduced by Tash

**House amendments to Senate bills** concurred in: 4/12/2003

**SB 46**, introduced by Gebhardt

**SB 246**, introduced by Glaser

**SB 247**, introduced by Cobb

**SB 337**, introduced by Tropila

**SB 348**, introduced by Keenan

**SB 364**, introduced by Cooney

**SB 366**, introduced by Grimes

**SB 370**, introduced by Gebhardt

**SB 381**, introduced by Keenan

**SB 383**, introduced by Bales

**SB 386**, introduced by Gebhardt

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**SB 387**, introduced by Cobb  
**SB 392**, introduced by Bales  
**SB 400**, introduced by Toole  
**SB 402**, introduced by Cocchiarella  
**SB 406**, introduced by McGee  
**SB 434**, introduced by Tropila  
**SB 442**, introduced by Stonington  
**SB 444**, introduced by Tester

**House amendments to Senate joint resolution** concurred in: 4/12/2003

**SJR 22**, introduced by McGee

**House amendments to Senate bill not** concurred in: 4/12/2003

**SB 340**, introduced by Grimes

**House bills** concurred in and returned to the House: 4/12/2003

**HB 631**, introduced by Lake  
**HB 761**, introduced by Haines

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/12/2003

**HB 2**, introduced by Lewis  
**HB 452**, introduced by Raser  
**HB 539**, introduced by Brueggeman  
**HB 558**, introduced by D. Brown  
**HB 721**, introduced by Erickson

**HB 190** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 190**: 4/12/2003

Senator Cobb, Chair  
Senator Sprague  
Senator Squires

**HB 424** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 424**: 4/12/2003

Senator Taylor, Chair  
Senator D. Ryan  
Senator Stapleton

**HB 680** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 680**: 4/12/2003

Senator Sprague, Chair

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Senator Gebhardt  
Senator Wheat

**HJR 31** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HJR 31:**  
4/12/2003

Senator Esp, Chair  
Senator Cobb  
Senator Schmidt

**SB 252** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 252:**  
4/12/2003

Senator Butcher, Chair  
Senator Squires  
Senator Stapleton

**SB 330** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 330:**  
4/12/2003

Senator Stapleton, Chair  
Senator Johnson  
Senator Mangan

**SB 340** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 340:**  
4/12/2003

Senator Grimes, Chair  
Senator McGee  
Senator Wheat

**SB 349** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 349:**  
4/12/2003

Senator Anderson, Chair  
Senator Cocchiarella  
Senator Mahlum

**SB 362** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 362:**  
4/12/2003

Senator Grimes, Chair  
Senator Mangan  
Senator Perry

**SB 375** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 375:**  
4/12/2003

Senator Stapleton, Chair

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Senator Elliott  
Senator Perry

**SB 395** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 395**:  
4/12/2003

Senator Perry, Chair  
Senator Barkus  
Senator Shea

**SB 62** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 62**:  
4/12/2003

Senator Taylor, Chair  
Senator D. Ryan  
Senator Stapleton

**SB 130** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 130**:  
4/12/2003

Senator McGee, Chair  
Senator Barkus  
Senator Cooney

**SB 360** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 360**:  
4/12/2003

Senator F. Thomas, Chair  
Senator Cocchiarella  
Senator Johnson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 775**, introduced by Laszloffy, referred to Taxation.

Majority Leader Brown moved that the House recess until 11:10 a.m. for caucuses. Motion carried.

House recessed at 10:43 a.m.

House reconvened at 11:13 a.m. All members present, except Representatives Lehman and Maedje, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/14/2003  
Correctly engrossed: **SB 461, SB 478, SB 480**.  
Signed by the Speaker at 5:15 p.m., April 11, 2003: **HB 256, HB 289, HB 292, HB 299, HB 315, HB 480**,

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**HB 573, HB 610, HB 618, HB 681, HB 703.**

Signed by the Speaker at 7:00 p.m., April 11, 2003: **HB 105, HB 213, HB 223, HB 253, HB 266, HB 270, HB 338, HB 396, HB 410, HB 451, HB 468, HB 521, HB 525, HB 537, HB 540, HB 553, HB 556, HB 563, HB 577, HB 588, HB 758.**

Delivered to the Governor for approval at 9:15 a.m., April 12, 2003: **HB 127, HB 130, HB 141, HB 155, HB 169, HB 179, HB 203, HB 218, HB 247, HB 317, HB 358, HB 385, HB 388, HB 435, HB 437, HB 453, HB 478, HB 584, HB 647, HB 653.**

Delivered to the Governor for approval at 10:55 a.m., April 14, 2003: **HB 87.**

**TAXATION** (Fuchs, Chairman):  
**SB 478**, be amended as follows:

4/14/2003

1. Page 1, line 22.

**Following:** "2-18-703"

**Insert:** "on or"

2. Page 3.

**Following:** line 17

**Insert:** "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 13 is passed and approved, then the amendments contained in 2-18-703(2) in [section 2 of this act] are void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 480**, be amended as follows:

1. Page 2, line 1.

**Following:** "(g)"

**Insert:** "except for exempt-interest dividends described in subsection (2)(a)(ii),"

2. Page 5, line 27.

**Following:** "(g)"

**Insert:** "except for exempt-interest dividends described in subsection (2)(a)(ii),"

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 407** - Representative Devlin moved **SB 407** be concurred in.

Representative Bookout-Reinicke moved **SB 407**, second reading copy, be further amended as follows:

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1. Title, line 12.

**Following:** line 11

**Insert:** "ALLOWING RESIDENTS A CREDIT AGAINST INDIVIDUAL INCOME TAXES FOR THEIR SHARE OF TAXES IMPOSED AND PAID TO ANOTHER STATE OR COUNTRY BY A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER;"

2. Title, line 18.

**Following:** "15-30-122,"

**Insert:** "15-30-124,"

3. Page 35, line 29.

**Insert:** "Section 47. Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.**

(1) Subject to the conditions provided in subsections (2) through (5), a resident of this state is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~

(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder; and

(c) the resident's distributive share, whether separately or nonseparately stated, of any income tax imposed by and paid to another state or country by a partnership of which the resident is a partner.

(2) The credit is allowed only for taxes paid to another state or country on income derived from sources within the other state or country that is taxable under the laws of the other state or country regardless of the residence or domicile of the taxpayer.

(3) The credit is not allowed if the other state or country allows residents of this state a credit against the taxes imposed by the other state or country for taxes paid or payable under this chapter.

(4) The allowable credit must be computed by a formula prescribed by the department.

(5) For the purposes of the credit under subsections (1)(b) and (1)(c):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation or partnership on income taxable under this chapter.""

**Renumber:** subsequent sections

4. Page 40, line 12.

**Strike:** "47"

**Insert:** "46 and 48"

5. Page 41, line 23.

**Strike:** "47"

**Insert:** "46 and 48"

6. Page 42, line 5.

**Insert:** "(3) [Section 47] applies retroactively, within the meaning of 1-2-109, to years beginning after December 31, 2002."

Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,



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Buzzas, Carney, E. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Ballantyne, Bergren, Branae, Callahan, P. Clark, Cyr, Dickenson, Fisher, Forrester, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Keane, Newman, Wanzenried, Windy Boy.

Total 21

Voted Absentee: Lehman, Maedje, Ayes.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

Representative Facey moved **SB 407**, second reading copy, be further amended as follows:

1. Title, line 6.

**Strike:** "REDUCING" through "CREDIT;"

2. Title, lines 8 through 11.

**Following:** "REVENUE;" on line 8

**Strike:** remainder of line 8 through "DEDUCTION;" on line 11

3. Title, lines 17 and 18.

**Following:** "SECTIONS" on line 17

**Strike:** remainder of line 17 through "15-30-142," on line 18

4. Title, line 19.

**Following:** "~~DELAYED~~"

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

5. Page 23, line 20 through page 37, line 6.

**Strike:** sections 40 through 47 in their entirety

**Renumber:** subsequent sections

6. Page 41, lines 8 and 9.

**Strike:** subsection (3) in its entirety

7. Page 41, lines 11 and 12.

**Strike:** section 57 in its entirety

**Renumber:** subsequent sections

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8. Page 41, line 21.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1)" through "act]"

**Insert:** "[This act]"

9. Page 41, line 23.

**Strike:** subsection (2) in its entirety

10. Page 41, line 25.

**Strike:** "(1)"

11. Page 41, line 27.

**Strike:** "(A)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

12. Page 42, lines 3 and 4.

**Strike:** subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Lehman, Maedje, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **SB 407**, second reading copy, be further amended as follows:

1. Title, page 1, line 17.

**Following:** "PRODUCTS;"

**Insert:** "PROVIDING FOR A GROSS RECEIPTS TAX ON RETAIL SALES IN EXCESS OF \$20 MILLION IN AN INDIVIDUAL LOCATION; PROVIDING FOR TAX RATES AND THE ALLOCATION OF THE TAX

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PROCEEDS; PROVIDING FOR THE REPORTING, ADMINISTRATION, AND COLLECTION OF THE TAX;"

2. Page 40, line 16.

**Insert:** "NEW SECTION. Section 54. Definitions. As used in [sections 54 through 63], the following definitions apply:

(1) "Farm implement" means any vehicle, machine, or attachment designed or adapted and used exclusively for agricultural operations and only incidentally operated or used on the highways.

(2) (a) "Gross receipts" means all receipts from retail sales from each specific store within the state, whether in the form of money, credits, or other valuable consideration, received as a result of engaging in or conducting a retail sales business, without deduction on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid, taxes, losses, or any other expense. A retail sales establishment may deduct the cost of employer contributions for retirement benefits and health insurance for employees from gross receipts.

(b) The term does not include cash discounts allowed and taken on sales and sales refunds, either in cash or by credit, uncollectible accounts written off from time to time, or payments received in final liquidation of accounts included in the gross receipts of any previous return made by the person.

(2) "Retail sale" means any transfer of tangible personal property for consideration for any purpose other than for resale, sublease, or subrent.

(3) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus.

(4) (a) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses.

(b) The term does not include farm implements, special mobile equipment, or vehicles.

(5) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn that is required to be registered or that is subject to a tax or fee imposed under Title 23, chapter 2, parts 5, 6, or 8, or Title 61, chapter 3, part 5. "

**Insert:** "NEW SECTION. Section 55. Retail sales gross receipts tax. (1) There is a retail sales gross receipts tax. The tax applies to all retail sales of tangible personal property from a single establishment that are in excess of \$20 million each calendar year.

(2) The rate of tax on gross receipts in excess of \$20 million is as follows:

(a) \$20 million to \$30 million, 1%;

(b) amounts in excess of \$30 million up to and including \$40 million, 1.5%; and

(c) amounts in excess of \$40 million, 2%."

**Insert:** "NEW SECTION. Section 56. Returns -- payment -- authority of department. (1) Each person engaged in a retail sales business within this state or using property within this state that is subject to tax under [sections 54 through 63] shall file a return. Retail sales businesses are subject to the reporting and payment provisions of subsection (3).

(2) (a) On or before January 31 of each year, a return, in a form adopted by the department, with a remittance of the tax owed for the preceding year, must be filed with the department. The filing and the remittance may be done electronically.

(b) The retail sales business and any agent of the business, for the purposes of reporting or paying the gross receipts tax, are subject to the audit and accountability provisions of the department.

(3) (a) For the purposes of the gross receipts tax, a return must be filed by each location of a seller required to pay the tax.

(b) A return must be filed with and payment must be received by the department on or before January 31 for taxes owed for gross receipts on retail sales occurring during the preceding year.

(c) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

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(d) Pursuant to rules established by the department, returns may be computer-generated and electronically filed.

(4) (a) A person required to report and pay to the department a tax under [sections 54 through 63] shall keep records, render statements, make returns, and comply with the provisions of [sections 54 through 63] and the rules prescribed by the department. Each return or statement must include the information required by the rules of the department.

(b) For the purpose of determining compliance with the provisions of [sections 54 through 63], the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

- (i) require the attendance of a person having knowledge or information relevant to a return;
- (ii) compel the production of books, papers, records, or memoranda by the person required to attend;
- (iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;
- (iv) take testimony on matters material to the determination; and
- (v) administer oaths or affirmations."

**Insert: "NEW SECTION. Section 57. Allocation of proceeds.** Retail sales gross receipt tax proceeds must be allocated, pursuant to 15-1-501, to the state general fund."

**Insert: "NEW SECTION. Section 58. Examination of return -- adjustments -- delivery of notices and demands.**

(1) If the department determines that the amount of tax due is different from the amount reported, the amount of tax computed on the basis of the examination constitutes the tax to be paid.

(2) If the tax due exceeds the amount of tax reported as due on the taxpayer's return, the excess must be paid to the department within 30 days after notice of the amount and demand for payment are mailed or delivered to the person making the return unless the taxpayer files a timely objection as provided in 15-1-211. If the amount of the tax found due by the department is less than that reported as due on the return and has been paid, the excess must be credited or, if no tax liability exists or is likely to exist, refunded to the person making the return.

(3) The notice and demand provided for in this section must contain a statement of the computation of the tax and interest and must be:

(a) sent by mail to the taxpayer at the address given in the taxpayer's return, if any, or to the taxpayer's last-known address; or

(b) served personally upon the taxpayer.

(4) A taxpayer filing an objection to the demand for payment is subject to and governed by the uniform dispute review procedure provided in 15-1-211."

**Insert: "NEW SECTION. Section 59. Penalties and interest for violations.** The provisions of 15-1-216 apply to returns, reports, and failure to pay the tax required under [sections 54 through 63]."

**Insert: "NEW SECTION. Section 60. Authority to collect delinquent taxes.** (1) (a) The department shall collect taxes that are delinquent as determined under [sections 54 through 63].

(b) If a tax imposed by [sections 54 through 63] or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset."

**Insert: "NEW SECTION. Section 61. Limitations.** (1) Except in the case of a person that purposely or knowingly, as those terms are defined in 45-2-101, files a false or fraudulent return violating the provisions of [sections 54 through 63], a deficiency may not be assessed or collected with respect to a year for which a return is filed unless the notice of

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additional tax proposed to be assessed is mailed to or personally served upon the taxpayer within 5 years from the date that the return was filed. For purposes of this section, a return filed before the last day prescribed for filing is considered to be filed on the last day.

(2) If, before the expiration of the 5-year period prescribed in subsection (1) for assessment of the tax, the taxpayer consents in writing to an assessment after expiration of the 5-year period, a deficiency may be assessed at any time prior to the expiration of the period to which consent was given."

**Insert:** "NEW SECTION. Section 62. Refunds -- interest -- limitations. (1) A claim for a refund or credit as a result of overpayment of taxes collected under [sections 54 through 63] must be filed within 5 years of the date that the return was due, without regard to any extension of time for filing.

(2) (a) Interest on an overpayment must be paid or credited at the same rate as the rate charged on delinquent taxes in 15-16-102.

(b) Except as provided in subsection (2)(c), interest must be paid from the date that the return was due or the date of overpayment, whichever is later. Interest does not accrue during any period in which the processing of a claim is delayed more than 30 days because the taxpayer has not furnished necessary information.

(c) The department is not required to pay interest if:

(i) the overpayment is refunded or credited within 6 months of the date that a claim was filed; or

(ii) the amount of overpayment and interest does not exceed \$1."

**Insert:** "NEW SECTION. Section 63. Administration -- rules. The department shall:

(1) administer and enforce the provisions of [sections 54 through 63];

(2) cause to be prepared and distributed forms and information that may be necessary to administer the provisions of [sections 54 through 63]; and

(3) adopt rules that may be necessary or appropriate to administer and enforce the provisions of [sections 54 through 63]."

**Renumber:** subsequent sections

3. Page 41, line 8.

**Following:** "40"

**Insert:** "and 54 through 63"

4. Page 40, line 9.

**Following:** "40"

**Insert:** "and 54 through 63"

5. Page 42, line 5.

**Insert:** "(3) [Sections 54 through 63] apply retroactively, within the meaning of 1-2-109, to retail sales after December 30, 2002."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman,

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Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Voted Absentee: Lehman, Maedje, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Maedje present at this time.

Motion that **SB 407**, as amended, be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzonried, Weiss, Wilson, Windy Boy, Witt.  
Total 54

Voted Absentee: Lehman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose.

Representative Brown moved that the House recess until 12:40 p.m. for caucuses. Motion carried.

House recessed at 12:26 p.m.

House reconvened at 12:46 p.m. All members present. Quorum present. Representative Younkin in the Chair.

**SB 37** - Representative R. Brown moved consideration of **SB 37** be placed at the bottom of the second reading board. Motion carried.

**SB 112** - Representative Laslovich moved **SB 112** be concurred in.

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Representative Laslovich moved **SB 112**, second reading copy, be amended as follows:

1. Title, line 8.

**Strike:** "TWO"

**Insert:** "A"

**Strike:** "ACCOUNTS"

**Insert:** "ACCOUNT"

2. Title, line 11.

**Strike:** "A"

3. Title, line 12.

**Strike:** "DATE"

**Insert:** "DATES"

4. Page 1, line 16.

**Strike:** "ACCOUNTS"

**Insert:** "Account"

5. Page 1, line 17.

**Strike:** "ARE TWO ACCOUNTS"

**Insert:** "is an account"

6. Page 1, line 18.

**Strike:** "ACCOUNTS"

**Insert:** "account"

7. Page 1, line 20.

**Strike:** "EACH"

**Insert:** "the"

8. Page 1, line 21.

**Strike:** "(A)"

**Strike:** "SEARCH AND RESCUE"

**Following:** ":"

**Insert:** ":"

9. Page 1, line 25.

**Following:** "(A)"

**Insert:** "(a)"

**Strike:** " "

**Insert:** " ;"

10. Page 1, lines 26 and 27.

**Strike:** "(I)" on line 26 through "87-2-202" on line 27

**Insert:** "fund transfers pursuant to 87-1-601(9). These funds may be used only as provided in 87-1-601(9)"

11. Page 1.

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**Strike:** lines 28 and 29 in their entirety

12. Page 1, line 30.

**Strike:** "ALL"

**Insert:** "all"

13. Page 2, lines 1 and 2.

**Strike:** "MUST" on line 1 through "ACCOUNTS" on line 2

14. Page 2, line 3.

**Strike:** "EACH"

**Insert:** "the"

15. Page 2, line 8.

**Strike:** "EACH"

**Insert:** "the"

16. Page 2, line 11.

**Strike:** "ONE OF"

**Strike:** "ACCOUNTS"

**Insert:** "account"

17. Page 2, line 13.

**Strike:** "ACCOUNTS"

**Insert:** "account"

18. Page 2, line 17.

**Strike:** "and"

**Following:** "accountability"

**Insert:** ", and the number and circumstance of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year"

19. Page 2, line 20.

**Following:** "met"

**Insert:** ", and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year"

20. Page 11, line 13.

**Following:** "(9)"

**Insert:** "(a)"

21. Page 11, line 14.

**Strike:** "the"

**Strike:** "FISH" through "ACCOUNT"

**Insert:** "a state special revenue account to the credit of the department for search and rescue purposes as"

22. Page 11.

**Following:** line 14

**Insert:** "(b) Upon certification by the department of reimbursement requests submitted by the department of military



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affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in [section 1] to reimburse counties for the costs of those missions as provided in [section 1].

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) At the end of each fiscal year, any money remaining in the special revenue account after the transfers provided for in this section must be transferred to the general license account of the department."

23. Page 11, line 29.

**Strike:** "\$4.50"

**Insert:** "\$4.25"

**Strike:** "50"

**Insert:** "25"

24. Page 11, line 30 through page 12, line 1.

**Strike:** "designated" on page 11, line 30 through "purposes" on page 12, line 1

25. Page 12, line 2.

**Strike:** "\$7.50"

**Insert:** "\$7.25"

**Strike:** "50"

**Insert:** "25"

26. Page 12, line 3 through line 4.

**Strike:** "designated" on line 3 through "purposes" on line 4

27. Page 13, line 10.

**Strike:** "\$4.50"

**Insert:** "\$4.25"

**Strike:** "50"

**Insert:** "25"

28. Page 13, line 11 through line 12.

**Strike:** "designated" on line 11 through "purposes" on line 12

29. Page 13, line 13.

**Strike:** "\$7.50"

**Insert:** "\$7.25"

**Strike:** "50"

**Insert:** "25"

30. Page 13, line 14 through line 15.

**Strike:** "designated" on line 14 through "purposes" on line 15

31. Page 13, line 27 through line 28.

**Strike:** section 10 in its entirety

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**Renumber:** subsequent section

32. Page 13, line 30.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act is]"

**Insert:** "[Sections 1 through 7, 9, and 10] are"

33. Page 13.

**Following:** line 30

**Insert:** "(2) [Section 8] is effective March 1, 2004."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Haines.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Forrester, Hedges, Laszloffy.  
Total 4

Motion that **SB 112**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Hedges, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Weiss, Wilson, Windy Boy, Younkin.  
Total 52

Noes: Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Fuchs, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Witt, Mr. Speaker.  
Total 47

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Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**SB 407** - Representative R. Brown moved consideration of **SB 407** be placed at the top of the second reading board.

Representative Lindeen questioned the placement of **SB 407** back on the board.

The Chair ruled that **SB 407** being placed back on the board was in order.

Representative Lindeen appealed the ruling of the Chair.

Chair Younkin called a meeting of the Rules Committee.

The Rules Committee ruled in favor of the Chair.

Representative Wanzenried appealed the ruling of the Rules Committee .

The decision of the Rules Committee was sustained as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 407** - Representative Devlin moved **SB 407** be concurred in.

Representative Newman requested a ruling to clarify what amendments were currently on the bill.

The Speaker read from the rules that an amendment stays with a bill segregated from the Committee of the Whole Report so Representative Peterson's amendment is on the bill but Representative Bookout-Reinicke's amendment is not.

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Representative Bookout-Reinicke moved **SB 407**, second reading copy, be further amended as follows:

1. Title, line 12.

**Following:** line 11

**Insert:** "ALLOWING RESIDENTS A CREDIT AGAINST INDIVIDUAL INCOME TAXES FOR THEIR SHARE OF TAXES IMPOSED AND PAID TO ANOTHER STATE OR COUNTRY BY A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER;"

2. Title, line 18.

**Following:** "15-30-122,"

**Insert:** "15-30-124,"

3. Page 35, line 29.

**Insert:** "**Section 47.** Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.**

(1) Subject to the conditions provided in subsections (2) through (5), a resident of this state is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~

(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder; and

(c) the resident's distributive share, whether separately or nonseparately stated, of any income tax imposed by and paid to another state or country by a partnership of which the resident is a partner.

(2) The credit is allowed only for taxes paid to another state or country on income derived from sources within the other state or country that is taxable under the laws of the other state or country regardless of the residence or domicile of the taxpayer.

(3) The credit is not allowed if the other state or country allows residents of this state a credit against the taxes imposed by the other state or country for taxes paid or payable under this chapter.

(4) The allowable credit must be computed by a formula prescribed by the department.

(5) For the purposes of the credit under subsections (1)(b) and (1)(c):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation or partnership on income taxable under this chapter.""

**Renumber:** subsequent sections

4. Page 40, line 12.

**Strike:** "47"

**Insert:** "46 and 48"

5. Page 41, line 23.

**Strike:** "47"

**Insert:** "46 and 48"

6. Page 42, line 5.

**Insert:** "(3) [Section 47] applies retroactively, within the meaning of 1-2-109, to years beginning after December 31, 2002."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Ballantyne, Bergren, Bixby, Callahan, Cohenour, Cyr, Dickenson, Fisher, Gallik, Gibson, Golie, Gutsche, Harris, Jacobson, Juneau, Keane, Newman, Parker, Ryan, Sales, Windy Boy.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Shockley moved **SB 407**, second reading copy, be further amended as follows:

1. Title, lines 5 through 11.

**Following:** "ACT;" on line 5

**Strike:** remainder of line 5 through "DEDUCTION;" on line 11

2. Title, lines 17 and 18.

**Strike:** "13-37-218" on line 17 through "15-30-142," on line 18

3. Title, lines 19 and 20.

**Following:** "PROVIDING" on line 19

**Strike:** remainder of line 19 through "DATES" on line 20

**Insert:** "AN EFFECTIVE DATE"

4. Page 1, line 27 through page 37, line 9.

**Strike:** sections 2 through 47 in their entirety

**Renumber:** subsequent sections

5. Page 41, lines 8 through 15.

**Strike:** sections 56 and 57 in their entirety

**Renumber:** subsequent sections

6. Page 41, line 24.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1) Except as provided in subsection (2), [this"

**Insert:** "[This"

7. Page 41, line 25.

**Strike:** "ON PASSAGE AND APPROVAL"

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**Insert:** "July 1, 2003"

8. Page 41, line 26.

**Strike:** subsection (2) in its entirety

9. Page 41, line 28 through page 42, line 7.

**Strike:** section 61 in its entirety

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Branae, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lewis, Matthews, Musgrove, Newman, Noennig, Parker, Pattison, Peterson, Ripley, Rome, Schrumpf, Shockley, Small-Eastman, Thomas, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 46

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Callahan, P. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Gallus, Galvin-Halcro, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Raser, Rice, Roberts, Ross, Ryan, Sales, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Weiss, Wilson, Windy Boy.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Maedje moved **SB 407**, second reading copy, be further amended as follows:

1. Title, page 1, line 8 through line 11.

**Strike:** "CLARIFYING" on line 8 through "DEDUCTION;" on line 11

**Insert:** "PROVIDING A PROPERTY TAX CREDIT FOR CERTAIN RESIDENTIAL PROPERTY;"

2. Title, page 1, line 17 through line 18.

**Strike:** "13-37-218" on line 17 through "15-30-142," on line 18

3. Page 23, line 29 through page 37, line 9.

**Strike:** section 41 through section 47 in their entirety

**Insert:** **NEW SECTION. Section 41. Credit for property taxes on certain residences.** (1) There is a credit against property taxes levied on single occupancy class four residential improvements with a value that is at least \$7,500 but not more than \$75,000. The amount of the credit will be calculated annually by the department and is the product of dividing \$7,876,000 by the number of residential properties that qualify for the credit. The amount of the credit must be printed on the notice sent to qualifying property owners under 15-16-101(2). The credit applies to qualifying residences attached to real property for the annual November and May billing period and for residences upon which taxes are not a lien on real property for the annual May and November billing period.

(2) The treasurer shall credit the amount determined under subsection (1) to the owner's property taxes due and record that the credit was granted. The county treasurer shall then determine the total amount of credits granted and, prior

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to the remittance of the levy imposed under 20-9-360, reduce the remittance to the department by the total amount of the credits granted. The amount of the reduction of the remittance must be reported in detail to the department with the remittance."

**Renumber:** subsequent sections

4. Page 41, line 9.

**Following:** "39"

**Insert:** "and 41"

5. Page 41, line 10.

**Following:** "39"

**Insert:** "and 41"

6. Page 41, line 14 through line 15.

**Strike:** section 57 in its entirety

**Renumber:** subsequent sections

7. Page 41, line 26.

**Strike:** "[Sections]" through "are"

**Insert:** "[Section 40] is"

8. Page 42, line 6.

**Strike:** "SECTIONS" through "APPLY"

**Insert:** "[Section 40] applies"

Amendment **not** adopted as follows:

Ayes: Balyeat, Bitney, R. Brown, Dowell, Everett, Hawk, Lake, Laszloffy, Mendenhall, Morgan, Ripley, Sales, Shockley, Sinrud, Wagman, Waitschies.

Total 16

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jayne, Keane.

Total 3

Motion that **SB 407**, as amended, be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher,

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Fuchs, Haines, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 50

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 138** - Representative A. Olson moved **SB 138** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Everett, Fisher, Pattison, Sales, Sinrud, Waitschies.

Total 7

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 155** - Representative Lake moved **SB 155** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.



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Total 86

Noes: Balyeat, Bergren, Everett, Fisher, Hawk, Jackson, Jayne, Jent, Mendenhall, Sales, Sinrud, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: Facey, Gillan.

Total 2

**SB 287** - Representative P. Clark moved consideration of **SB 287** be placed below SB 336 on the second reading board.  
Motion carried.

**SB 294** - Representative Witt moved **SB 294** be concurred in.

Representative Witt moved **SB 294**, second reading copy, be amended as follows:

1. Page 3, line 25.

**Strike:** "GENERATED FROM"

**Insert:** "earned by"

2. Page 4, line 6.

**Strike:** "RECEIVED UNDER SUBSECTION (4)(B)"

**Insert:** "and interest as required in subsection (6)(b)"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Mendenhall.

Total 1

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

Motion that **SB 294**, as amended, be concurred in carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Peterson, Witt.

Total 2

**SB 320** - Representative Witt moved **SB 320** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Callahan, Dickenson, Dowell, Jayne, Juneau, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: Franklin, Lake.

Total 2

**SB 336** - Representative Brueggeman moved **SB 336** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin,

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Mr. Speaker.  
Total 90

Noes: Andersen, Devlin, Fisher, Haines, Hurwitz, Jayne, Keane, Laslovich.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Forrester.  
Total 2

Representative Brown moved the committee rise. Motion carried. Committee arose.

Representative Brown moved that the House recess until 4:00 p.m. Motion carried.

House recessed at 3:36 p.m.

House reconvened at 4:03 p.m. All members present. Quorum present. Representative Younkin in the Chair.

**SB 287** - Representative Facey moved **SB 287** be concurred in.

Representative Facey moved **SB 287**, second reading copy, be amended as follows:

1. Page 3, line 26.

**Strike:** "\$5.50"

**Insert:** "\$5"

2. Page 5, line 9.

**Strike:** "\$6.50"

**Insert:** "\$6"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: R. Brown, Golie, Haines, Jayne, Morgan, Rice, Ripley, Steinbeisser, Wagman, Waitschies.  
Total 10

Excused: None.  
Total 0

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Absent or not voting: Laszloffy.  
Total 1

Representative Keane moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Becker, Erickson, Fisher, Fritz, Gillan, Gutsche, Pattison, Schrumpf.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Buzzas, Franklin, A. Olson, Small-Eastman, Wanzenried, Windy Boy.  
Total 6

Motion **SB 287**, as amended, be concurred in **failed** as follows:

Ayes: Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Cohenour, Cyr, Dickenson, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Hedges, Jacobson, Jent, Juneau, Kaufmann, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Malcolm, Matthews, Mendenhall, Noennig, Parker, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Thomas, Weiss, Windy Boy.  
Total 45

Noes: Andersen, Ballantyne, Balyeat, Becker, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Devlin, Dowell, Everett, Fisher, Franklin, Fritz, Fuchs, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Keane, Lake, Laszloffy, Lehman, Lindeen, Maedje, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: Kasten, Newman.  
Total 2

**SB 407** - Representative R. Brown moved consideration of **SB 407** be placed at the top of the second reading board. Motion carried.

**SB 407** - Representative Devlin moved **SB 407** be concurred in.

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Representative Bookout-Reinicke moved **SB 407**, second reading copy, be further amended as follows:

1. Title, line 12.

**Following:** line 11

**Insert:** "ALLOWING RESIDENTS A CREDIT AGAINST INDIVIDUAL INCOME TAXES FOR THEIR SHARE OF TAXES IMPOSED AND PAID TO ANOTHER STATE OR COUNTRY BY A PARTNERSHIP OF WHICH THE RESIDENT IS A PARTNER;"

2. Title, line 18.

**Following:** "15-30-122,"

**Insert:** "15-30-124,"

3. Page 35, line 29.

**Insert:** "**Section 47.** Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.**

(1) Subject to the conditions provided in subsections (2) through (5), a resident of this state is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~

(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder; and

(c) the resident's distributive share, whether separately or nonseparately stated, of any income tax imposed by and paid to another state or country by a partnership of which the resident is a partner.

(2) The credit is allowed only for taxes paid to another state or country on income derived from sources within the other state or country that is taxable under the laws of the other state or country regardless of the residence or domicile of the taxpayer.

(3) The credit is not allowed if the other state or country allows residents of this state a credit against the taxes imposed by the other state or country for taxes paid or payable under this chapter.

(4) The allowable credit must be computed by a formula prescribed by the department.

(5) For the purposes of the credit under subsections (1)(b) and (1)(c):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation or partnership on income taxable under this chapter.""

**Renumber:** subsequent sections

4. Page 40, line 12.

**Strike:** "47"

**Insert:** "46 and 48"

5. Page 41, line 23.

**Strike:** "47"

**Insert:** "46 and 48"

6. Page 42, line 5.

**Insert:** "(3) [Section 47] applies retroactively, within the meaning of 1-2-109, to years beginning after December 31, 2002."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Ballantyne, Bixby, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fisher, Gallik, Gallus, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Mendenhall, Newman, Parker, Ryan, Sales, Wanzenried, Wilson, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

Representative R. Brown moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Juneau, Kaufmann, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Sinrud, Wanzenried, Weiss, Wilson, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: Balyeat, Becker, Jent.

Total 3

Motion that **SB 407**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 51

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Younkin.  
Total 1

Chairman Younkin moved the Committee of the Whole report be adopted.

Committee arose. House resumed. Mr. Speaker in the chair.

Representative Lindeen made a **substitute motion** that **SB 407** be segregated from the Committee of the Whole report and the remainder of the report be adopted. The substitute motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison,

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Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Committee of the Whole report was adopted. There being no objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 314** concurred in as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 63

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Franklin, Fritz, Fuchs, Hawk, Jackson, Jent, Kasten, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Rice, Ripley, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 424** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 86



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Noes: Balyeat, E. Clark, Everett, Fisher, Haines, Hawk, Jackson, Kasten, Lake, Laszloffy, Lewis, Maedje, Sales, Sinrud.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 701, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Barrett, E. Clark, Haines, Jent, Kaufmann, Rice, Shockley, Sinrud, Smith.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 36** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Buzzas, Callahan, Cyr, Erickson, Fritz, Gutsche, Harris, Jayne, Juneau, Kaufmann.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**MESSAGES FROM THE SENATE**

**HJR 31** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HJR 31:**

4/14/2003

Senator Esp, Chair  
Senator Cobb  
Senator Schmidt

**SB 304** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 304:**

4/14/2003

Senator Johnson, Chair  
Senator Anderson  
Senator Cocchiarella

**SB 347** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 347:**

4/14/2003

Senator Esp, Chair  
Senator Keenan  
Senator Stonington

**SB 271** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 271:**

4/14/2003

Senator Glaser, Chair  
Senator Elliott  
Senator Stapleton

**SB 326** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 326:**

4/14/2003

Senator McGee, Chair  
Senator Laible  
Senator Wheat

**SB 252** - The Senate acceded to the request of the House, dissolved the Conference Committee on House amendments to **SB 252**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 252:**

4/14/2003

Senator Butcher, Chair  
Senator Squires  
Senator Stapleton

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

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**SB 490**, introduced by Grimes, Esp, Mangan, McGee, Tropila, Wheat (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 29**, introduced by Toole, DePratu, Johnson, Keenan, referred to Taxation.

**SJR 31**, introduced by Tash, referred to Judiciary.

**MOTIONS**

Representative Thomas moved the Speaker be authorized to dissolve the conference committee on **HJR 31** and reappoint a free committee with the same committee members. There being no objection, so ordered.

Representative Shockley moved **SB 37** be placed on second reading, April 19, 2003. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, Parker, Pattison, Rice, Ripley, Ross, Ryan, Shockley, Small-Eastman, Wanzenried, Wilson, Windy Boy.

Total 67

Noes: Andersen, Becker, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Harris, Hedges, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Noennig, B. Olson, Peterson, Raser, Roberts, Rome, Sales, Schrumpf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: Weiss.

Total 1

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 62**. Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Chair  
Representative Mendenhall  
Representative Carney

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 130**. Motion carried.

The Speaker appointed the following members:

Representative Peterson, Chair

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Representative Lawson  
Representative Matthews

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee on **HB 190**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair  
Representative Hurwitz  
Representative Windy Boy

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee on **SB 252**. Motion carried.

The Speaker appointed the following members:

Representative Sinrud, Chair  
Representative B. Olson  
Representative Gibson

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 271**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chair  
Representative Pattison  
Representative Wanzenried

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 304**. Motion carried.

The Speaker appointed the following members:

Representative Lewis, Chair  
Representative Morgan  
Representative Wilson

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 326**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chair  
Representative Everett  
Representative Gillan

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like

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committee on House amendments to **SB 330**. Motion carried.

The Speaker appointed the following members:

Representative Bitney, Chair  
Representative Fuchs  
Representative Ryan

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 340**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair  
Representative Everett  
Representative Gutsche

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 347**. Motion carried.

The Speaker appointed the following members:

Representative E. Clark, Chair  
Representative Franklin  
Representative Gallus

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 349**. Motion carried.

The Speaker appointed the following members:

Representative Steinbeisser, Chair  
Representative Rome  
Representative Keane

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate on **SB 360**. Motion carried.

The Speaker appointed the following members:

Representative McKenney, Chair  
Representative Fisher  
Representative Wilson

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 362**. Motion carried.

The Speaker appointed the following members:

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Representative Shockley, Chair  
Representative Sales  
Representative Parker

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 375**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair  
Representative Brueggeman  
Representative Harris

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee on House amendments to **SB 395**. Motion carried.

The Speaker appointed the following members:

Representative Balyeat, Chair  
Representative Wagman  
Representative Golie

**SPECIAL ORDERS OF THE DAY**

The Speaker led the House in singing Happy Birthday to Representative Bitney.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:30 a.m., Tuesday, April 15, 2003. Motion carried.

House adjourned at 5:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 15, 2003

House Chambers  
State Capitol

House convened at 10:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

The Speaker introduced the honorary page of the day:

Andrew Miller, Deer Lodge

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/15/2003

Correctly engrossed: **SB 470**.

Correctly enrolled: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 609, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 676, HB 698, HB 733, HB 734, HB 761, HJR 4, HJR 8, HJR 17, HJR 29, HJR 32, HR 4**.

Examined by the sponsor and found to be correct: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 577, HB 609, HB 676, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 698, HB 733, HB 734, HB 761, HJR 4, HJR 8, HJR 17, HJR 29, HJR 32, HR 4**.

Signed by the Speaker at 1:00 p.m., April 15, 2003: **HJR 4, HJR 8, HJR 17, HJR 29, HJR 32, HR 4**.

Delivered to the Secretary of State at 2:00 p.m., April 15, 2003: **HR 4**.

Delivered to the Governor for approval at 7:30 a.m., April 15, 2003: **HB 213, HB 256, HB 289, HB 292, HB 299, HB 315, HB 480, HB 556, HB 563, HB 573, HB 577, HB 588, HB 610, HB 618, HB 681, HB 703, HB 758**.

**TAXATION** (Fuchs, Chairman):

4/15/2003

**SB 470**, be amended as follows:

1. Title, page 1, line 7 through page 2, line 4.

**Strike:** "ON" on page 1, line 7 through "FUND" on page 2, line 4

2. Title, page 2, line 4.

**Following:** "FUND;"

**Insert:** "REDUCING INDIVIDUAL INCOME AND PROPERTY TAXES"

3. Title, page 2, line 5.

**Strike:** "QUALIFIED"

**Strike:** "OF MONTANA"

4. Title, page 2, line 10.

**Following:** "MCA,"

**Insert:** "AND SECTIONS 27 AND 31, CHAPTER 285, LAWS OF 1999; REPEALING SECTION 244, CHAPTER 574, LAWS OF 2001, AND"

5. Title, page 2, line 11 through line 12.

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**Following:** "2002" on line 11

**Strike:** "1" through "1999" on line 12

6. Title, page 2, line 12.

**Strike:** "A DELAYED"

**Insert:** "AN"

7. Page 2, line 17.

**Strike:** "52"

**Insert:** "53"

8. Page 5, line 17.

**Strike:** "a subsidiary"

**Insert:** "an affiliate"

9. Page 5, line 19.

**Following:** "agent"

**Insert:** ", an employee, or an independent contractor"

**Strike:** "subsidiary"

**Insert:** "affiliate"

10. Page 5, line 21.

**Strike:** "subsidiary"

**Insert:** "affiliate"

11. Page 9, line 30.

**Strike:** "52"

**Insert:** "53"

12. Page 10, line 24.

**Strike:** "52"

**Insert:** "53"

13. Page 11, line 5.

**Strike:** "52"

**Insert:** "53"

14. Page 12, line 6.

**Strike:** "32"

**Insert:** "33"

15. Page 12, line 12.

**Strike:** "32"

**Insert:** "33"

16. Page 12, line 15.

**Strike:** "52"

**Insert:** "53"



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17. Page 12, line 17.

**Strike:** "52"

**Insert:** "53"

18. Page 13, line 4.

**Strike:** "52"

**Insert:** "53"

19. Page 13, line 9.

**Strike:** "52"

**Insert:** "53"

20. Page 13, line 20.

**Following:** "manufacturing"

**Insert:** ", agriculture, mining, rail transportation, electric power generation facilities, or other businesses"

21. Page 13, line 26.

**Strike:** "2004"

**Insert:** "2005"

22. Page 13, line 27.

**Strike:** "2004"

**Insert:** "2005"

23. Page 13, line 28.

**Strike:** "2004"

**Insert:** "2005"

24. Page 14, line 8.

**Strike:** "35"

**Insert:** "36"

25. Page 14, line 29.

**Strike:** "AND"

26. Page 14, line 30.

**Following:** "}"

**Insert:** "; and"

(k) newspaper publishing and related service (NAICS industry 51111)

27. Page 15, line 12.

**Strike:** "and"

28. Page 15, line 13.

**Following:** "chapter 5"

**Insert:** "; and"

(g) state lottery games that are authorized under Title 23, chapter 7

29. Page 16, line 8 through line 9.

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**Strike:** "WITH" through "PART 5."

**Insert:** "described in subsection (2)"

30. Page 16.

**Following:** line 9

**Insert:** "(2) The following vehicles are exempt under subsection (1):

(a) a vehicle, except a motor home, as defined in 61-1-130, that exceeds the maximum limit for consideration as a light vehicle, as defined in 61-1-139; and

(b) a vehicle that has a manufacturer's rated capacity of 1 ton or more and is required, under 61-10-201, to pay the fee for a maximum gross loaded weight of 1 ton or more.

(3) The sale of a motor home, as defined in 61-1-130, is subject to the sales tax and use tax."

**Renumber:** subsequent subsections

31. Page 17.

**Following:** line 11

**Insert:** "NEW SECTION. Section 20. Exemption -- agriculture. (1) Except as provided in subsection (2), sales by, sales to, or uses by a person engaged in agriculture are exempt from the sales tax and use tax.

(2) (a) A purchase by a person engaged in agriculture is exempt from the sales tax or use tax only if the property or service purchased is used exclusively in or for the person's agricultural operation.

(b) A sale by a person engaged in agriculture is exempt from the sales tax and use tax only if the property or service sold is substantially a nonretail agricultural sale."

**Renumber:** subsequent sections

32. Page 19, line 9 through page 20, line 6.

**Strike:** section 25 in its entirety

**Insert:** "NEW SECTION. Section 26. Nontaxability -- agriculture -- construction -- manufacturing -- mining -- certain substances -- other businesses. (1) The sale of property or a service to or the use of property or a service by a purchaser is nontaxable if:

(a) the purchaser has an exemption certificate;

(b) the purchaser is engaged in and uses the property or service in any of the following:

(i) agriculture;

(ii) the construction industry, as defined in 39-71-116, and the item purchased is incorporated into an improvement to real property that is to be used for commercial or residential purposes or in the construction of public property;

(iii) mining. For the purposes of this section, the term "mining" means the carrying on of operations of any kind for the purpose of extracting from the earth any mineral, as defined in 15-38-103, and includes operations of any kind for the extraction of any mineral from any other mineral. The term does not include manufacturing.

(iv) manufacturing. For the purposes of this section, the term "manufacturing" has the meaning provided in the North American Industry Classification System Manual, 1997, prepared by the United States office of management and budget.

(v) rail transportation (NAICS 482). For the purposes of this section, the term "rail transportation" has the meaning provided in the North American Industry Classification System Manual, 1997, prepared by the United States office of management and budget.

(vi) electric power generation. For the purposes of this section, the term "electric power generation" has the meaning provided in the North American Industry Classification System Manual, 1997, prepared by the United States office of management and budget.

(c) (i) the purchaser incorporates the property as an ingredient or component part of the product in the business of mining or manufacturing; or

(ii) the purchaser uses the property to extract a mineral and the property is required to be abandoned in place,

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in accordance with state regulations, when production of the mineral from a mine or wellhead permanently ceases.

(2) The sale or use of any chemical, reagent, or other substance that is used or consumed in the processing of ores or petroleum in a mill, smelter, refinery, or reduction facility or in acidizing oil wells is nontaxable if the purchaser has an exemption certificate and the purchaser is engaged in and uses the property or service in mining or manufacturing.

(3) The sale of property or a service to or the use of property or a service by a purchaser is nontaxable if:

(a) the purchaser has an exemption certificate; and

(b) the purchaser is engaged in business for the purpose of monetary benefit and the property or service is used exclusively in the purchaser's business."

33. Page 21, line 17.

**Strike:** "26(2)"

**Insert:** "27(2)"

34. Page 21, line 26.

**Strike:** "26(2)"

**Insert:** "27(2)"

35. Page 22, line 26.

**Strike:** "33(1)(c)"

**Insert:** "34(1)(c)"

36. Page 22, line 23.

**Strike:** "2004"

**Insert:** "2005"

37. Page 22, line 24.

**Strike:** "2004"

**Insert:** "2005"

38. Page 22, line 25.

**Strike:** "2004"

**Insert:** "2005"

39. Page 23, line 6.

**Strike:** "52"

**Insert:** "53"

40. Page 23, line 19.

**Strike:** "52"

**Insert:** "53"

41. Page 23, line 24.

**Strike:** "52"

**Insert:** "53"

**Strike:** "37"

**Insert:** "38"

**Strike:** "42"

**Insert:** "43"

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42. Page 23, line 25.

**Strike:** "52"

**Insert:** "53"

43. Page 24, line 4.

**Strike:** "52"

**Insert:** "53"

44. Page 24, line 29.

**Strike:** "52"

**Insert:** "53"

45. Page 24, line 30.

**Strike:** "42"

**Insert:** "43"

46. Page 25, line 1.

**Strike:** "32"

**Insert:** "33"

47. Page 25, line 5.

**Strike:** "52"

**Insert:** "53"

48. Page 25, line 18.

**Strike:** "52"

**Insert:** "53"

49. Page 26, line 14.

**Strike:** "52"

**Insert:** "53"

50. Page 26, line 15.

**Strike:** "52"

**Insert:** "53"

51. Page 26, line 19.

**Strike:** "52"

**Insert:** "53"

52. Page 27, line 3.

**Strike:** "39"

**Insert:** "40"

53. Page 28, line 6.

**Following:** "filing a"

**Insert:** "timely"

**Strike:** "39"

**Insert:** "40"

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54. Page 28, line 15.

**Strike:** "32"

**Insert:** "33"

55. Page 28, line 18.

**Strike:** "32"

**Insert:** "33"

56. Page 28, line 23.

**Strike:** "52"

**Insert:** "53"

57. Page 28, line 27.

**Strike:** "39"

**Insert:** "40"

58. Page 29, line 14.

**Strike:** "52"

**Insert:** "53"

59. Page 29, line 17.

**Strike:** "52"

**Insert:** "53"

60. Page 29, line 18.

**Strike:** "52"

**Insert:** "53"

61. Page 29, line 30.

**Strike:** "52"

**Insert:** "53"

62. Page 30, line 19.

**Strike:** "52"

**Insert:** "53"

63. Page 31, line 2.

**Strike:** "52"

**Insert:** "53"

64. Page 31, line 4.

**Strike:** "52"

**Insert:** "53"

65. Page 31, line 6.

**Strike:** "52"

**Insert:** "53"

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66. Page 31, line 7.

**Strike:** "52"

**Insert:** "53"

67. Page 31, line 17.

**Strike:** "52" in both places

**Insert:** "53" in both places

68. Page 31, line 23.

**Strike:** "52"

**Insert:** "53"

69. Page 31, line 29.

**Strike:** "52"

**Insert:** "53"

70. Page 32, line 20.

**Strike:** "52"

**Insert:** "53"

71. Page 33, line 1.

**Strike:** "52" in both places

**Insert:** "53" in both places

72. Page 33, line 7.

**Strike:** "52"

**Insert:** "53"

73. Page 33, line 18.

**Strike:** "52"

**Insert:** "53"

74. Page 33, line 22.

**Strike:** "52"

**Insert:** "53"

75. Page 33, line 26.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

76. Page 33, line 29.

**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

77. Page 34, line 21.

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**Strike:** "53"

**Insert:** "54"

**Strike:** "60"

**Insert:** "61"

78. Page 37, line 21 through page 41, line 3.

**Strike:** section 61 in its entirety

**Insert:** "NEW SECTION. Section 62. Sales tax and use tax account -- allocation. (1) There is a sales tax and use tax account in the state special revenue fund.

(2) All money collected under [sections 1 through 53] must be paid by the department into the account.

(3) There must be retained in the account the amounts necessary under [sections 1 through 53] to repay overpayments, pay any erroneous receipts illegally assessed or collected or that are excessive in amount, and pay any other refunds otherwise required.

(4) For fiscal year 2006 and for each subsequent fiscal year, there is allocated from the account the amount necessary, as certified by the superintendent of public instruction, to fully fund direct state aid for 80% of the basic entitlement, as defined in 20-9-306, and 80% of the total per-ANB entitlement, as defined in 20-9-306, for the general fund budgets of elementary schools and high schools and 40% of the special education allowable cost payments, as described in 20-9-321, for elementary schools and high schools. The amount allocated in this subsection is for distribution as provided for in 20-9-344 and 20-9-347, as applicable.

(5) After retaining the amount necessary for the purposes of subsection (3) and allowing for the allocation made in subsection (4), all remaining revenue in the account is available for appropriation by the legislature.

(6) (a) At the end of each fiscal year, the state treasurer shall retain in the account the amount of funds necessary:

(i) for the purposes described in subsection (3); and

(ii) to ensure that adequate funds are available for the purposes described in subsection (4) until adequate sales tax and use tax collections are deposited in the account during the next fiscal year.

(b) Subsequent to retaining in the account the amount described in subsection (6)(a), the state treasurer shall transfer any remaining funds to the state general fund."

**Renumber:** subsequent sections

79. Page 48, line 18 through page 49, line 22.

**Strike:** section 62 in its entirety

**Renumber:** subsequent sections

80. Page 49, line 28 through line 29.

**Strike:** "HOUSEHOLD" on line 28 through "ADJUSTED" on line 29

81. Page 49, line 30.

**Following:** "GROSS"

**Insert:** "Household"

82. Page 50.

**Following:** line 11

**Insert:** "(4) For the purposes of this section:

(a) "gross household income" has the same meaning as provided in 15-30-171; and

(b) "income" has the same meaning as provided in 15-30-171."

83. Page 50, line 20.

**Following:** "(B)"

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**Insert:** "(i)"

84. Page 50, line 22.

**Strike:** "\$5,000"

**Insert:** "\$20,000, as adjusted in subsection (1)(b)(ii)"

85. Page 50.

**Following:** line 22

**Insert:** "(ii) The amount of the credit allowed in this section is equal to the adjusted amount calculated by multiplying the amount determined under subsection (1)(b)(i) by the ratio that the taxpayer's Montana source income, as defined in 15-30-101, bears to the taxpayer's total income from all sources."

86. Page 50, line 25 through line 26.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If more than one taxpayer owns an interest in property for which a credit is allowed under this section, each taxpayer is entitled to claim a pro rata share of the credit. However, the total amount of credit claimed by all eligible taxpayers for a single piece of property may not exceed the maximum credit set forth in subsection (1)(b)."

87. Page 51, line 2.

**Strike:** "FALSELY OR FRAUDULENTLY CLAIMS"

**Insert:** "knowingly or purposely, as those terms are defined in 45-2-101, files a false or fraudulent claim for"

88. Page 51, line 9.

**Following:** "(B)"

**Insert:** "(i)"

89. Page 51, line 11.

**Strike:** "\$5,000"

**Insert:** "\$20,000, as adjusted in subsection (1)(b)(ii)"

90. Page 51.

**Following:** line 11

**Insert:** "(ii) The amount of the credit allowed in this section is equal to the adjusted amount calculated by multiplying the amount determined under subsection (1)(b)(i) by the apportionment fraction determined under 15-31-305."

91. Page 51, line 15.

**Following:** "PARTNERSHIP,"

**Insert:** "as defined in 15-30-101,"

92. Page 51, line 20.

**Strike:** "FALSELY OR FRAUDULENTLY CLAIMS"

**Insert:** "knowingly or purposely, as those terms are defined in 45-2-101, files a false or fraudulent claim for"

93. Page 52, line 21.

**Strike:** "61(4)"

**Insert:** "62(6)(b)"

94. Page 73, line 15.



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**Following:** "67"

**Insert:** ", subject to the limitations of [section 65 or 67],"

95. Page 75, line 9.

**Strike:** "2004"

**Insert:** "2005"

96. Page 79, line 29.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

97. Page 80, line 1.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

98. Page 80, line 5.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

99. Page 80, line 8.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

100. Page 80, line 13.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

101. Page 80, line 15.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

102. Page 80, line 26.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

103. Page 82, line 2.

**Strike:** "\$5,000"

**Insert:** "\$6,000"

104. Page 82, line 3.

**Strike:** "\$10,000"

**Insert:** "\$12,000"

105. Page 84, line 23.

**Strike:** "\$1,530"

**Insert:** "\$1,580"

106. Page 85, line 15.

**Strike:** "\$3,460"

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**Insert:** "\$3,560"

107. Page 85, line 17.

**Strike:** "\$6,920"

**Insert:** "\$7,120"

108. Page 85, line 19.

**Strike:** "\$1,840"

**Insert:** "\$1,900"

109. Page 125, line 20.

**Strike:** "52"

**Insert:** "53"

110. Page 127, line 9.

**Strike:** "61"

**Insert:** "62"

111. Page 128, line 23.

**Strike:** "52"

**Insert:** "53"

112. Page 129, line 1.

**Strike:** "61"

**Insert:** "62"

113. Page 129, line 29.

**Strike:** "52"

**Insert:** "53"

114. Page 130, line 7.

**Strike:** "61"

**Insert:** "62"

115. Page 131, line 23.

**Strike:** "52"

**Insert:** "53"

116. Page 132, line 8.

**Strike:** "61"

**Insert:** "62"

117. Page 132, line 28.

**Strike:** "52"

**Insert:** "53"

118. Page 133, line 23.

**Strike:** "61"

**Insert:** "62"

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119. Page 137.

**Following:** line 9

**Insert:** "NEW SECTION. Section 107. Repealer. (1) Section 244, Chapter 574, Laws of 2001, is repealed.

(2) Section 25, Chapter 13, Special Laws of August 2002, is repealed."

**Renumber:** subsequent sections

120. Page 137, line 11.

**Strike:** "60"

**Insert:** "61"

121. Page 137, line 12.

**Strike:** "60"

**Insert:** "61"

122. Page 137, line 13.

**Strike:** "[SECTIONS 61 AND 62] ARE"

**Insert:** "[Section 62] is"

123. Page 137, line 14.

**Strike:** "[SECTIONS 61 AND "

**Insert:** "[section "

124. Page 137.

**Following:** line 19

**Insert:** "NEW SECTION. Section 109. Coordination instruction. If Senate Bill No. 423 is passed and approved and this act is approved by the electorate, then [section 69] of this act, amending 13-37-218, is void."

**Renumber:** subsequent sections

125. Page 137, line 24.

**Strike:** "[This act]"

**Insert:** "This act"

126. Page 137, line 24 through page 137, line 25.

**Strike:** "on" on line 24 through "2004" on line 25

**Insert:** "upon approval by the electorate"

127. Page 137, line 27 through page 138, line 3.

**Strike:** section 110 in its entirety

**Insert:** "NEW SECTION. Section 112. Applicability. Except as provided in subsection (2), [this act] applies January 1, 2005, to tax years and state, local, government, and school fiscal years beginning after December 31, 2004.

(2) [Sections 8 through 10, 33, 34, 39, 43, 49, and 54 through 61] apply January 1, 2004."

**Renumber:** subsequent section

128. Page 138, line 6.

**Strike:** "OCTOBER 7."

**Insert:** "November 4"

And, as amended, be concurred in. Report adopted.

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**FREE CONFERENCE COMMITTEE**  
on **House Bill 298**  
Report No. 1, April 14, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 298** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 298** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

**Following:** "A-FEE"

**Insert:** "FEES"

2. Title, line 6.

**Strike:** "CERTAIN COSTS OF A REVIEW"

**Insert:** "AN EXAMINATION"

**Strike:** "DIVISIONS"

**Insert:** "A DIVISION"

**Following:** "LAND"

**Insert:** "TO DETERMINE WHETHER IT IS"

3. Page 1, line 13.

**Strike:** "ACTUAL COSTS"

**Insert:** "fees for examination of division"

4. Page 1, line 30 through page 2, line 1.

**Strike:** "COLLECT" on page 1, line 30 through "76-3-611(2)(A)" on page 2, line 1

**Insert:** "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

5. Page 2, line 5.

**Strike:** "ACTUAL COSTS"

**Insert:** "fees for examination of division"

6. Page 3, lines 2 and 3.

**Strike:** "COLLECT" on line 2 through "76-3-611(2)(A)"

**Insert:** "examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination"

For the House:

Younkin, Chairman  
Jacobson  
Noennig

For the Senate:

Gebhardt, Chairman  
McGee  
Wheat

**FREE CONFERENCE COMMITTEE**  
on **House Bill 564**

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Report No. 1, April 14, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 564** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 564** (reference copy -- salmon) be amended as follows:

1. Page 5, line 27.

**Strike:** "at least 110% of"

For the House:

McKenney, Chairman  
Lange  
Lindeen

For the Senate:

Mahlum, Chairman  
Anderson  
Cocchiarella

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 126**  
Report No. 1, April 12, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 126** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

1. House Committee on Taxation amendments, third reading copy, dated March 19, 2003.

And, recommend that **Senate Bill 126** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.

**Following:** "EXEMPTION:"

**Insert:** "CLARIFYING PROPERTY TAX PROVISIONS RELATING TO INSURANCE COMPANIES BY  
REPEALING SPECIFIC LAWS THAT ARE REDUNDANT WITH GENERAL PROPERTY TAX  
LAWS;"

2. Title, page 1, line 10.

**Following:** line 9

**Strike:** "AND"

3. Title, page 1, line 11.

**Following:** "1999"

**Insert:** "; AND REPEALING SECTIONS 15-24-601 AND 15-24-602, MCA"

4. Page 15, line 6.

**Insert:** "NEW SECTION. Section 4. Repealer. Sections 15-24-601 and 15-24-602, MCA, are repealed."

**Renumber:** subsequent section

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For the Senate:

Story, Chairman  
Toole

For the House:

Devlin, Chairman  
Laslovich  
Waitschies

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/14/2003

**SB 271**, introduced by Stapleton  
**SB 485**, introduced by Cobb  
**SB 489**, introduced by Elliott  
**SB 491**, introduced by Stonington

**House bills** concurred in and returned to the House: 4/14/2003

**HB 3**, introduced by Brueggeman  
**HB 4**, introduced by Brueggeman  
**HB 7**, introduced by Witt  
**HB 10**, introduced by Maedje  
**HB 12**, introduced by Kasten  
**HB 13**, introduced by Lewis  
**HB 18**, introduced by Shockley  
**HB 744**, introduced by E. Clark  
**HB 748**, introduced by Devlin

**Free Conference Committee Report No.1** adopted: 4/14/2003

**HB 211**, introduced by Newman  
**HB 283**, introduced by Fuchs

Governor's amendments to **House bill** concurred in and returned to the House: 4/14/2003

**HB 185**, introduced by Wilson

**MESSAGES FROM THE GOVERNOR**

April 14, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 6** sponsored by Representative Witt, **House Bill 8** sponsored by Representative Witt, **House Bill 124** sponsored by Representative A. Olson, **House Bill 186** sponsored by

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Representative Matthews, **House Bill 195** sponsored by Representative Younkin, **House Bill 230** sponsored by Representative Erickson, **House Bill 293** sponsored by Representative Smith et al., **House Bill 419** sponsored by Representative Laszloffy et al., **House Bill 456** sponsored by Representative Parker et al., **House Bill 482** sponsored by Representative Forrester et al., **House Bill 494** sponsored by Representative Wilson et al., **House Bill 501** sponsored by Representative Noennig, **House Bill 555** sponsored by Representative Bitney, **House Bill 579** sponsored by Representative Shockley, **House Bill 580** sponsored by Representative Bitney, **House Bill 591** sponsored by Representative Fuchs, and **House Bill 637** sponsored by Representative Raser on April 14, 2003.

Sincerely,

JUDY MARTZ  
Governor

Majority Leader Brown moved that the House recess until 11:10 a.m. for caucuses. Motion carried.

House adjourned at 10:40 a.m.

House reconvened at 11:14 a.m.

Representative Lindeen made a parliamentary inquiry. She stated her belief that the Committee of the Whole report on Legislative Day 80 had not been adopted after her substitute motion had failed.

The Speaker ruled that the Committee of the Whole Report was adopted after there being no objection. The Speaker agreed that another vote for the Committee of the Whole Report was in order but according to Mason's Law the Speaker's ruling is upheld.

Representative Lindeen appealed the ruling of the Chair.

Mr. Speaker called for a ruling of the Rules Committee.

The Rules Committee upheld the ruling of the Chair.

Representative Lindeen **appealed** the ruling of the Rules Committee.

Representative Newman moved previous question. Motion carried.

The Speaker asked Minority Leader Wanzenried and Representative Lindeen if they agree with the motion that a "yes" vote upholds the ruling of the Rules Committee and a "no" vote opposes the ruling of the Rules Committee. Minority Leader Wanzenried and Representative Lindeen agreed with this motion.

Motion to **uphold** the ruling of the Rules Committee carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Lindeen moved to reconsider action on the Committee of the Whole Report on Legislative Day 80.

Representative Laszloffy explained this motion would need to be made in Order of Business 9.

The Speaker moved to Order of Business 9 and accepted Representative Lindeen's motion.

**MOTIONS**

Motion to **reconsider action** on the Committee of the Whole Report yesterday **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Minority Leader Wanzenried inquired about **HB 470** being placed on today's second reading agenda and if this is true that the rules require a day between the Standing Committee and Committee of the Whole (rule 40-130(3)). The Speaker agreed with Minority Leader Wanzenried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:



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**SB 485**, introduced by Cobb, E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Business and Labor.

**SB 489**, introduced by Elliott, P. Clark, Cooney, Shockley, Wheat, referred to Appropriations.

**SB 491**, introduced by Stonington (by request of the Senate Finance Standing Committee), referred to Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 408** - Representative Waitschies moved **SB 408** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Keane, Newman, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**SB 414** - Representative Golie moved **SB 414** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Devlin, Everett, Lange, Lewis, Matthews, Sales.

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Total 7

Excused: None.

Total 0

Absent or not voting: Dowell, Fuchs, Peterson, Shockley, Witt.

Total 5

**SB 464** - Representative Brueggeman moved **SB 464** be concurred in. Motion **failed** as follows:

Ayes: Bergren, Bitney, Bixby, Branae, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Jacobson, Juneau, Kaufmann, Keane, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, Pattison, Raser, Rome, Shockley, Small-Eastman, Smith, Weiss, Wilson.

Total 42

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bookout-Reinicke, D. Brown, R. Brown, Buzzas, P. Clark, Cyr, Dowell, Everett, Forrester, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin.

Total 57

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 474** - Representative R. Brown moved consideration of **SB 474** be placed below SB 480 on the second reading board. Motion carried.

**SB 484** - Representative Gillan moved **SB 484** be concurred in. Motion carried as follows:

Ayes: Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ryan, Small-Eastman, Smith, Steinbeisser, Thomas, Waitschies, Weiss, Wilson, Windy Boy, Witt.

Total 67

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Brueggeman, E. Clark, Cyr, Everett, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lewis, Malcolm, Morgan, Pattison, Ripley, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Stoker, Wagman, Wanzenried, Younkin, Mr. Speaker.

Total 32

Excused: None.

Total 0

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Absent or not voting: D. Brown.  
Total 1

**SB 487** - Representative Small-Eastman moved **SB 487** be concurred in.

Representative Devlin moved **SB 487**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** line 8

**Insert:** "REVISING THE DEFINITION OF PROJECT;"

**Strike:** "AND"

**Following:** "17-5-1527,"

**Insert:** "90-5-101,"

2. Page 2, line 30.

**Strike:** "\$100"

**Insert:** "\$800"

**Following:** "million."

**Insert:** "The total amount of bonds not secured under 17-5-1515 outstanding at any one time, except bonds as to which the board's obligations have been satisfied and discharged by refunding or bonds for which reserves for payment or other means of payment have been provided, may not exceed \$800 million."

3. Page 3, line 6.

**Strike:** "\$50"

**Insert:** "\$600"

4. Page 4, line 17.

**Insert:** "**Section 4.** Section 90-5-101, MCA, is amended to read:

**"90-5-101. Definitions.** As used in this part, unless the context otherwise requires, the following definitions apply:

(1) "Agricultural enterprises" includes but is not limited to producing, warehousing, storing, fattening, treating, handling, distributing, or selling farm products or livestock.

(2) "Bonds" means bonds, refunding bonds, notes, or other obligations issued by a municipality or county under the authority of this part, including without limitation short-term bonds or notes issued in anticipation of the issuance of long-term bonds or notes.

(3) "Electric energy generation facility" means any combination of a physically connected generator or generators, associated prime movers, and other associated property and transmission facilities and upgrades and improvements of transmission facilities, including appurtenant land and improvements and personal property, that are normally operated together to produce and transfer electric power. The term includes but is not limited to generating facilities that produce and transfer electricity from coal-fired steam turbines, oil or gas turbines, wind turbines, solar power sources, fuel cells, or turbine generators that are driven by falling water.

(4) "Family services provider" means organizations, including nonprofit corporations, that provide human services for children and adults, including but not limited to early care services for children, youth services, health services, social services, habilitative services, rehabilitative services, preventive care, and supportive services, and training, educational, and referral activities in support of human services.

(5) "Governing body" means the board or body in which the general legislative powers of the municipality or county are vested.

(6) "Higher education facilities" means any real or personal properties required or useful for the operation of an institution of higher education.

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(7) "Institution of higher education" means any private, nonprofit corporation or institution within the state of Montana:

(a) authorized to provide or operate educational facilities; and

(b) providing a program of education beyond the high school level.

(8) "Mortgage" means a mortgage or deed of trust or other security device.

(9) "Municipality" means any incorporated city or town in the state.

(10) "Project" means:

(a) any land;

(b) any building or other improvement; ~~and~~

(c) any other real or personal properties considered necessary in connection with the improvement referred to in subsection (1)(b), whether or not now in existence, that must be suitable for use for commercial, manufacturing, agricultural, or industrial enterprises;

(d) recreation or tourist facilities;

(e) local, state, and federal governmental facilities;

(f) multifamily housing, hospitals, long-term care facilities, community-based facilities for individuals who are persons with developmental disabilities as defined in 53-20-102, or medical facilities;

(g) higher education facilities;

(h) electric energy generation facilities;

(i) family services provider facilities;

(j) the production of energy using an alternative renewable energy source as defined in 90-4-102;

(k) railroads; and

(l) any combination of ~~these~~ projects listed in subsections (10)(a) through (10)(k).""

**Renumber:** subsequent sections

5. Page 4, line 20.

**Strike:** ", 3, AND 6"

**Insert:** "through 4"

6. Page 4, line 22.

**Strike:** "4"

**Insert:** "5"

Representative Lindeen moved sections #1 and #4 be segregated from the amendment.

Thereupon, adopting sections #1 and #4 of Devlin's amendment #1 carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Gillan, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lewis, Lindeen, Malcolm, Musgrove, Parker, Raser, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Thereupon, adopting sections #2, #3, #5, and #6 of Devlin's amendment #1 carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 60

Noes: Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lewis, Malcolm, Musgrove, Raser, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

Motion that **SB 487**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Parker, Raser, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: P. Clark, Franklin, Galvin-Halcro, Laslovich.  
Total 4

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**SB 461** - Representative Devlin moved **SB 461** be concurred in.

Representative Jackson moved **SB 461**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

**Following:** "BRACKETS;"

**Insert:** "PROVIDING RATE ADJUSTMENTS TO CLASS FOUR PROPERTY TAX RATES FOR CERTAIN RESIDENCES WITH EXTRAORDINARY INCREASES IN MARKET VALUE;"

**Following:** "FOUR"

**Strike:** "AND CLASS ELEVEN"

2. Page 9, line 28.

**Insert:** "NEW SECTION. Section 1. Extended property tax assistance -- phasein. (1) For the purpose of mitigating extraordinary market value increases during the revaluation cycle that ended December 31, 2002, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value.

(2) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31, 2002, unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31, 2002, that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31, 2002, that increases the market value of the land by more than 25%.

(3) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply:

(a) The taxable value before reappraisal is the 2002 tax year value adjusted for any new construction or destruction that occurred in tax year 2002. The taxable value before reappraisal for the 2003 tax year and subsequent years is the same as the 2002 tax year value if no new construction, destruction, land splits, land use changes, land reclassifications, land productivity changes, improvement grade changes, or other changes are made to the property during 2002 or subsequent tax years.

(b) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346. The taxable value after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301.

(c) The dollar increase in tax liability is measured as the change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346 times the tax year 2002 mill levy applied to the property. The tax liability after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301 times the tax year 2002 mill levy applied to the property. The tax year 2002 mill levy is the total of all mills applied to the property for fiscal year 2003.

(d) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(4) (a) If the percentage increase in taxable value is greater than 36%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03668 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03898 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04143 times the value before reappraisal divided by the 2005

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phase-in value.

(iv) For tax year 2006, the tax rate is 0.04392 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04646 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04919 times the value before reappraisal divided by the 2008 phase-in value.

(b) The adjusted tax rate computed under this subsection (4) must be rounded to the nearest one-hundredth of 1%."

**Renumber:** subsequent sections

3. Page 36, line 23.

**Strike:** "5"

**Insert:** "6"

4. Page 36, line 29.

**Strike:** "5"

**Insert:** "6"

5. Page 37, line 9.

**Insert:** "NEW SECTION. Section 8. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply to [section 1]."

**Insert:** "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

Representative Keane moved for cloture. Motion carried.

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Gibson, Haines, Hawk, Hurwitz, Jackson, Keane, Lake, Lange, Lawson, Lehman, Maedje, McKenney, Mendenhall, B. Olson, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Younkin.

Total 39

Noes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laszloffy, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Morgan, Musgrove, Newman, A. Olson, Parker, Pattison, Raser, Ross, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 54

Excused: None.

Total 0

Absent or not voting: R. Brown, Brueggeman, Lambert, Laslovich, Noennig, Peterson, Mr. Speaker.

Total 7

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Motion that **SB 461** be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Windy Boy.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 474** - Representative Laszloffy moved consideration of **SB 474** be placed at the top of the second reading board. Motion carried.

Representative Laszloffy moved **SB 474** be concurred in.

Representative Golie moved **SB 474**, second reading copy, be amended as follows:

1. Title, page 12.

**Following:** "PROGRAM"

**Insert:** "THROUGH A TRANSFER FROM THE TRUST FUND TO THE ACCOUNT"

2. Title, lines 13 and 14.

**Following:** "~~ACCOUNT~~;" on line 13

**Strike:** remainder of line 13 through "MONTANA;" on line 14

3. Page 15, line 8.

**Insert:** "NEW SECTION. Section 15. Fund transfer. The amount of \$7.5 million is transferred from the tobacco settlement trust fund established in Article XII, section 4, of the Montana constitution to the Montana gold senior pharmacy program account established in [section 3] during each fiscal year of the biennium beginning July 1, 2003. The director of the department of public health and human services may request the transfer of specific amounts within this limit as needed to implement the program."

**Renumber:** subsequent sections

4. Page 15, line 16.

**Insert:** "NEW SECTION. Section 17. Two-thirds vote. Because [section 15] authorizes the expenditure of money from the principal of the Montana tobacco settlement trust fund, Article XII, section 4, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."



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**Renumber:** subsequent sections

5. Page 15, lines 17 and 18.

**Following:** "2003" on line 17

**Strike:** remainder of line 17 through "ELECTORATE" on line 18

**Insert:** "July 1, 2003"

6. Page 15, lines 20 through 26.

**Strike:** section 17 in its entirety

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, A. Olson, Parker, Raser, Roberts, Ross, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 474**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 62

Noes: Ballantyne, Balyeat, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lewis, Musgrove, Newman, Raser, Sales, Shockley, Sinrud, Small-Eastman, Smith, Weiss.

Total 38

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 478** - Representative Waitschies moved **SB 478** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Sales, Sinrud, Smith, Windy Boy.

Total 4

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**SB 480** - Representative Lake moved **SB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lake, Laslovich, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Peterson, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.

Total 59

Noes: Balyeat, D. Brown, Brueggeman, Cyr, Everett, Fisher, Hawk, Hedges, Jackson, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Parker, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Waitschies, Windy Boy, Witt.

Total 39

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent.

Total 2

**HB 2 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 2** be **not** concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, P. Clark, Dowell, Lake, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

**HB 5 - Senate Amendments** - Representative Kasten moved Senate amendments to **HB 5** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Everett, Haines, Hawk, Ripley, Sales, Sinrud, Windy Boy.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Ballantyne, Mendenhall, Morgan.  
Total 3

Representative Laszloffy moved to reconsider action on **SB 474**. The motion **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

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Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bixby, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Stoker, Wagman, Waitschies, Wanzenried, Wilson, Witt, Mr. Speaker.  
Total 75

Noes: Balyeat, Becker, Bookout-Reinicke, Branae, R. Brown, Callahan, Forrester, Gillan, Hawk, Jacobson, Jayne, Lehman, Noennig, A. Olson, Rice, Ryan, Sales, Sinrud, Smith, Steinbeisser, Thomas, Weiss, Windy Boy, Younkin.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 407** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 51

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lewis, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 138** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 90

Noes: Balyeat, Everett, Fisher, Pattison, Sales, Sinrud, Waitschies, Witt, Mr. Speaker.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**SB 155** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, Bergren, Everett, Fisher, Gallus, Hawk, Hedges, Jackson, Jent, Lange, Mendenhall, Sales, Shockley, Sinrud, Waitschies, Windy Boy.  
Total 16

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 320** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Dickenson, Jayne, Sales, Sinrud.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 336** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: D. Brown, Devlin, Fisher, Jayne, Keane, Lake, Laslovich, Maedje, Ripley, Windy Boy.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
**on House Bill 197**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 197** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 197** (reference copy -- salmon) be amended as follows:

1. Page 19, line 29.

**Following:** line 28

**Insert:** "(7) If House Bill No. 195 and [this act] are both passed and approved, then [section 1 of House Bill No. 195], amending 61-2-302, is void.

(8) If House Bill No. 195 and [this act] are both passed and approved and Senate Bill No. 37 is not passed and approved, then 61-5-208 must read as follows:

**Insert:** "**Section 5.** Section 61-5-208, MCA, is amended to read:

**"61-5-208. Period of suspension or revocation -- probationary license -- ignition interlock device required ~~allowed~~ on second or subsequent first offense.** (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways ~~for a period of more than 1 year~~, except as ~~otherwise~~ permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated ~~for the a first~~ offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or ~~for the a first~~ offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall ~~revoke~~ suspend the license or driving privilege of the person for a period of 1 year and; ~~upon issuance of any restricted may not issue a~~ probationary license during the period of ~~revocation~~, ~~restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device~~ suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license ~~revocation~~ suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If ~~a~~ the person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle

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not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

~~(4)~~ The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2):

~~(5)~~(4) (a) ~~The~~ Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(6)~~(5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.""

For the House:

Noennig, Chairman  
Becker

For the Senate:

Perry, Chairman  
Mangan

**FREE CONFERENCE COMMITTEE**  
on **House Bill 536**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 536** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 536** (reference copy -- salmon) be amended as follows:

1. Page 1, line 25.

**Following:** "statement"

**Strike:** "must"

**Insert:** "may"

2. Page 1, line 28.

**Following:** "manager"

**Strike:** "shall"

**Insert:** "may"

3. Page 3, line 9.

**Following:** "AGENT"

**Insert:** "of either"

4. Page 3, line 22.

**Following:** "who"

**Strike:** "complies with subsections"

**Insert:** "provides the disclosure in subsection"



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5. Page 3, line 23.

**Following:** "and"

**Insert:** "complies with subsection"

For the House:

Brueggeman, Chairman  
P. Clark  
Noennig

For the Senate:

Perry, Chairman  
Black

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 680**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 680** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 680** (reference copy -- salmon) be amended as follows:

1. Page 3, line 14 through line 15.

**Strike:** "ANY FEE" on line 14 through "SUBSECTION (2)" on line 15

**Insert:** "(a) Of the fees collected under subsection (1), \$1 must be deposited in the records preservation fund, provided for in 7-4-2635, and the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each \$6 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each \$10 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from a \$10 charge for a page or a fraction of a page"

For the House:

Noennig, Chairman  
Becker  
Younkin

For the Senate:

Sprague, Chairman  
Gebhardt  
Wheat

**FREE** CONFERENCE COMMITTEE  
on **House Bill 689**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 689** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 689** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

**Following:** "~~INFLATION~~"

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**Insert:** "REVISING DEFINITIONS; REVISING REPORTING REQUIREMENTS; PROVIDING FOR ADJUSTMENT OF REPORTING THRESHOLD AMOUNTS FOR INFLATION;"

**Following:** "5-7-102;"

**Insert:** "5-7-102,"

2. Title, page 1, line 8.

**Following:** ";"

**Insert:** ", 5-7-105,"

3. Title, page 1, line 9.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 4, line 13.

**Insert:** "**Section 1.** Section 5-7-102, MCA, is amended to read:

**"5-7-102. Definitions.** The following definitions apply in this chapter:

(1) "Business" means:

(a) a holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed person, holding company, joint-stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

(b) present or past employment from which benefits, including retirement allowances, are received.

(2) "Commissioner" means the commissioner of political practices.

(3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" also applies to the offices.

(5) "Individual" means a human being.

(6) "Lobbying" means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and

(b) the practice of promoting or opposing official action by any public official.

(7) "~~Lobbying for hire~~" ~~includes activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is reimbursed only for his personal living and travel expenses, which together are less than \$1,000 per calendar year, that individual is not considered to be lobbying for hire.~~

~~(8)(7)~~ (a) "Lobbyist" means a person who engages in the practice of lobbying ~~for hire~~.

(b) Lobbyist does not include:

(i) an individual acting solely on ~~his~~ the individual's own behalf; ~~or~~

(ii) an individual working for the same principal as a licensed lobbyist if the individual does not have personal contact involving lobbying with a public official on behalf of ~~his~~ the lobbyist's principal; ~~or~~

(iii) an individual who receives payments from one or more persons that total less than the amount specified under [section 5] in a calendar year.

(c) Nothing in this ~~section~~ chapter deprives an individual who is not lobbying for hire a lobbyist of the constitutional right to communicate with public officials.

~~(9)(8)~~ (a) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value;

(i) to a lobbyist to influence legislation or official action by an elected local official or a public official;

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~~(ii) directly or indirectly:~~  
~~(10) "Payment to influence official action" means any of the following types of payment:~~  
~~(a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or reimbursement for lobbying expenses, excluding personal living expenses; or~~  
~~(b)(iii) payment in support of or assistance to a lobbyist or a lobbying activity, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.~~  
~~(b) The term does not include payments or reimbursements for:~~  
~~(i) personal and necessary living expenses; or~~  
~~(ii) travel expenses, unless a principal is otherwise required to report expenses pursuant to 5-7-208.~~  
~~(11)(9) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision of state or local government, or other organization or group of persons.~~  
~~(12)(10) "Principal" means a person who employs a lobbyist or a person required to report pursuant to 5-7-208.~~  
~~(13)(11) "Public official" means an individual, elected or appointed, acting in his an official capacity for the state government. The term does not include those acting in a judicial or quasi-judicial capacity or performing ministerial acts.~~  
~~(14)(12) "Unprofessional conduct" means:~~  
~~(a) violating any of the provisions of this chapter;~~  
~~(b) instigating action by a public official for the purpose of obtaining employment;~~  
~~(c) attempting to influence the action of a public official on a measure pending or to be proposed by:~~  
~~(i) promising financial support; or~~  
~~(ii) making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or~~  
~~(d) attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official."~~  
**Renumber:** subsequent sections

5. Page 4, line 26.

**Strike:** "20"

**Insert:** "10"

6. Page 5, line 3.

**Strike:** "\$2,150"

**Insert:** "the amount specified under [section 5]"

7. Page 5, line 8.

**Insert:** "Section 3. Section 5-7-105, MCA, is amended to read:

**"5-7-105. Suspension of lobbying privileges.** No A lobbyist whose license has been suspended and ~~no~~ a person who has been adjudged guilty of a violation of any provision of this chapter may not engage in lobbying ~~for hire~~ until that person has been reinstated to the practice and duly licensed.""

**Renumber:** subsequent sections

8. Page 5, lines 12 and 13.

**Strike:** "A TOTAL OF \$2,150"

**Insert:** "the amount specified under [section 5]"

9. Page 7, line 4.

**Insert:** "NEW SECTION. Section 5. Payment threshold -- inflation adjustment. For calendar years 2002 through 2004, the payment threshold in 5-7-102 and 5-7-208 is \$2,150. The commissioner shall adjust the threshold

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amount following a general election by multiplying the threshold amount valid for the year in which the general election was held by an inflation factor, adopted by the commissioner by rule. The rule must be written to reflect the annual average change in the consumer price index from the prior year to the year in which the general election is held. The resulting figure must be rounded up or down to the nearest \$50 increment. The commissioner shall adopt the adjusted amount by rule."

**Renumber:** subsequent sections

10. Page 7, line 10.

**Following:** "approved"

**Insert:** ": (1) and amend 5-7-102, then 5-7-102(13)(c) of Senate Bill No. 7 must read:

"Nothing in this chapter deprives an individual who is not a lobbyist of the constitutional right to communicate with public officials."

(2) and amend 5-7-103"

11. Page 7, line 14.

**"NEW SECTION. Section 8. Codification instruction.** [Section 5] is intended to be codified as an integral part of Title 5, chapter 7, part 1, and the provisions of Title 5, chapter 7, part 1, apply to [section 5].

12. Page 7.

**Following:** line 22

**Insert:** **"NEW SECTION. Section 11. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all occurrences concerning filing or reporting on or after September 1, 2002. This section may not be construed to require a refund of any fee paid on or after September 1, 2002."

For the House:

A. Olson, Chairman  
Ballantyne  
Brueggeman

For the Senate:

Gebhardt, Chairman  
McNutt  
Squires

CONFERENCE COMMITTEE  
on Senate Amendments to **House Joint Resolution 31**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Joint Resolution 31** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Joint Resolution 31** (reference copy -- salmon) be amended as follows:

1. Page 2, line 7.

**Strike:** "FOR GOOD CAUSE, ALLOW FOR THE REASONABLE EXTENSION OF"

**Insert:** "not count against"

2. Page 2, line 8.

**Following:** "assistance"

**Insert:** ", but it is not the intent of the Legislature to extend the 5-year limit on TANF assistance"

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For the House:

B. Thomas, Chairman  
Facey  
Stoker

For the Senate:

Esp, Chairman  
Cobb  
Schmidt

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 326**  
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 326** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 326** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

**Following:** "REQUIRE"

**Insert:** "PROVIDING THAT A GROWTH POLICY MUST INCLUDE REQUIRED ELEMENTS BY OCTOBER 1, 2006, AND"

2. Title, line 13.

**Following:** "AREA;"

**Insert:** "PROVIDING THAT A GROWTH POLICY MAY COVER PART OF A JURISDICTIONAL AREA;"

3. Title, line 17.

**Following:** " ;"

**Insert:** "CONFORMING PROVISIONS IN THE ZONING AND SUBDIVISION LAWS TO THESE REVISIONS IN THE GROWTH POLICY LAWS; ELIMINATING THE REQUIREMENT THAT SUBDIVISION REGULATIONS BE IN ACCORDANCE WITH THE GOALS AND OBJECTIVES OF THE GROWTH POLICY WITHIN 1 YEAR OF ADOPTION OF A GROWTH POLICY;"

4. Title, line 18.

**Strike:** "AND"

5. Title, line 19.

**Following:** "~~76-4-127~~;"

**Insert:** "76-2-201, 76-2-310, 76-3-210, 76-3-504, 76-3-505, 76-4-122, AND 76-4-127,"

6. Page 3, line 10.

**Strike:** "The"

**Insert:** "A"

7. Page 3, line 11.

**Strike:** "MUST"

**Insert:** "may"

**Following:** "part"

**Insert:** "or part"

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8. Page 3, line 13.

**Following:** "(2)"

**Insert:** "A growth policy must include the elements listed in subsection (3) by October 1, 2006."

9. Page 6, line 13.

**Following:** "policy"

**Insert:** "pursuant to 76-1-601"

10. Page 6, line 20.

**Following:** "policy"

**Insert:** "is not a regulatory document and"

11. Page 6, line 24.

**Following:** "~~withhold,~~"

**Insert:** "withhold,"

**Following:** "on"

**Insert:** ", or impose conditions on"

12. Page 6, line 25.

**Following:** "act"

**Insert:** "or other authority to act"

13. Page 6, line 26.

**Insert:** "**Section 8.** Section 76-2-201, MCA, is amended to read:

**"76-2-201. County zoning authorized.** For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy ~~for the entire jurisdictional area~~ pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part."

**Insert:** "**Section 9.** Section 76-2-310, MCA, is amended to read:

**"76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries.** (1) Except as provided in 76-2-312 and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

(a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

(b) up to 2 miles beyond the limits of a city of the second class; and

(c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities."

**Insert:** "**Section 10.** Section 76-3-210, MCA, is amended to read:

**"76-3-210. Subdivisions exempted from requirement of an environmental assessment.** (1)

Subdivisions totally within a ~~jurisdictional~~ an area that ~~has adopted~~ is covered by all of the following are considered to be in the public interest and are exempt from the requirement of an environmental assessment:

(a) a growth policy adopted pursuant to chapter 1;

(b) zoning regulations pursuant to 76-2-201 or chapter 2, part 3; and

(c) a strategy for development, maintenance, and replacement of public infrastructure pursuant to 76-1-601.

(2) (a) A planning board established pursuant to chapter 1 may exempt a proposed subdivision within its

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jurisdictional area from the requirement for completion of any portion of the environmental assessment if:

(i) the subdivision is proposed in an area for which a growth policy has been adopted pursuant to chapter 1 and the proposed subdivision will be in compliance with the growth policy; or

(ii) the subdivision will contain fewer than 10 parcels and less than 20 acres.

(b) When an exemption is granted under this subsection (2), the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement must accompany the preliminary plat of the subdivision when it is submitted for review.

(c) ~~Where~~ If a properly established planning board having jurisdiction does not exist, the governing body may grant exemptions as specified in this subsection (2)."

**Insert: "Section 11.** Section 76-3-504, MCA, is amended to read:

**"76-3-504. Subdivision regulations -- contents.** (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) except as provided in 76-3-210, 76-3-509, or 76-3-609(3), require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(b) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(c) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(d) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(e) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(f) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that, at a minimum, meet the regulations adopted by the department of environmental quality under 76-4-104;

(iv) the location and installation of utilities;

(g) provide procedures for the administration of the park and open-space requirements of this chapter;

(h) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision. A utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body.

(i) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(j) except as provided in this subsection, require the subdivider to establish ditch easements in the subdivision that are in locations of appropriate topographic characteristics and sufficient width, to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots; are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner. Establishment of easements pursuant to this subsection

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(1)(j) is not required if:

(i) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(ii) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(k) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

~~(l) if the governing body has adopted a growth policy pursuant to chapter 1 of this title, be made in accordance with the goals and objectives established in the growth policy that are within the scope of 76-3-501 within 1 year of adoption of the growth policy;~~

~~(m)~~(l) require the subdivider to describe, dimension, and show utility easements in the subdivision on the final plat in their true and correct location. The utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of utility facilities for the provision of utility services within the subdivision.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.""

**Insert: "Section 12.** Section 76-3-505, MCA, is amended to read:

**"76-3-505. Provision for summary review of minor subdivisions.** (1) Local subdivision regulations must include procedures for the summary review and approval of subdivision plats containing five or fewer parcels when proper access to all lots is provided, when no land in the subdivision will be dedicated to public use for parks or playgrounds, and when the plats have been approved by the department of environmental quality whenever approval is required by part 1 of chapter 4; however, reasonable local regulations may contain additional requirements for summary approval.

(2) (a) Except when required by local subdivision regulations, proposed subdivisions eligible for summary review under this section that are located entirely within the ~~jurisdictional~~ area covered by a growth policy adopted pursuant to chapter 1 and zoning regulations adopted pursuant to chapter 2, part 2 or 3, are exempt from:

(i) the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605; and

(ii) review by the governing body of the criteria in 76-3-608(3)(a).

(b) The governing body shall approve, conditionally approve, or disapprove a proposed subdivision that is eligible for review under this subsection (2) within 35 days of submission of the subdivision application.""

**Insert: "Section 13.** Section 76-4-122, MCA, is amended to read:

**"76-4-122. Filing or recording of noncomplying plat or certificate of survey prohibited.** (1) The county clerk and recorder may not file or record any plat or certificate of survey subject to review under this part showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat or certificate of survey subject to review under this part for filing until one of the following conditions has been met:

(a) the person wishing to file the plat or certificate of survey has obtained approval of the local health officer having jurisdiction and has filed the approval with the reviewing authority and a certificate of subdivision approval has been issued pursuant to 76-4-125 indicating that the reviewing authority has approved the subdivision application and that the subdivision is not subject to a sanitary restriction;

(b) the person wishing to file the plat or certificate of survey has obtained a certificate from the governing body pursuant to 76-4-127 that the subdivision is within ~~a jurisdictional area that has adopted~~ an area covered by a



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growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and will be provided with adequate municipal facilities and adequate storm water drainage; or

(c) the person wishing to file the plat or certificate of survey has placed on the plat or certificate of survey an acknowledged certification that the subdivision is exempt from review under this part. The certification must quote in its entirety the wording of the applicable exemption.""

**Insert: "Section 14.** Section 76-4-127, MCA, is amended to read:

**"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided.** (1) To qualify for the exemption from review set out in 76-4-125(2)(d), the governing body, as defined in 76-3-103, shall, within 20 days after preliminary plat approval under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

- (a) the name and address of the applicant;
- (b) a copy of the preliminary plat or a final plat when a preliminary plat is not necessary;
- (c) the number of proposed parcels in the subdivision;
- (d) a copy of any applicable zoning ordinances in effect;
- (e) how construction of the sewage disposal and water supply systems or extensions will be financed;
- (f) certification that the subdivision is within a jurisdictional area that has adopted an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth policy, when applicable, if one has not yet been submitted to the reviewing authority;
- (g) the relative location of the subdivision to the city or town;
- (h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued;
- (i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from the facility owners that adequate facilities are available; and
- (j) certification that the governing body has reviewed and approved plans to ensure adequate storm water drainage.""

**Renumber:** subsequent sections

14. Page 11, line 3.

**Strike:** "(1)"

15. Page 11, line 4 through line 5.

**Following:** "APPROVED"

**Strike:** "AND" through "76-1-605"

**Strike:** "[SECTION 11 OF"

**Strike:** ", AMENDING" on line 4 through "76-1-605," on line 5

16. Page 11, line 6 through line 7.

**Strike:** subsection (2) in its entirety

For the Senate:

McGee, Chairman  
Laible

For the House:

Younkin, Chairman  
Everett

**MOTIONS**

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Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 2**. Motion carried.

The Speaker appointed the following members:

Representative Lewis, Chair  
Representative Pattison  
Representative Lindeen

Representative Roberts moved **SB 473** be taken from the table in the Committee on Taxation and be placed on second reading Legislative Day 82. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ryan, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 73

Noes: Andersen, Balyeat, Bitney, R. Brown, Devlin, Everett, Fuchs, Hawk, Lake, Laszloffy, McKenney, Mendenhall, Morgan, Pattison, Rice, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Waitschies, Witt, Younkin, Mr. Speaker.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Representative Wanzenried inquired about the letter he had given the Speaker, and asked the Speaker to decide what the proper action would be.

The Speaker read the following letter to the House members:

April 15, 2003

Honorable Doug Mood  
Speaker, Montana House of Representatives

Dear Mr. Speaker:

Pursuant to section 126(2) of the Mason's Manual of Legislative Procedure, we are hereby filing a formal complaint of ethical misconduct against Rep. Cindy Younkin with respect to her actions in the chair during the third second

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reading vote on SB 407 on April 14, 2003. Specifically, we request that the House consider the following statement made by Rep. Younkin while the board was held open for more than thirty seconds:

**"The board right now has over...a hundred, a hundred votes on it. That's interesting. Has every member voted? Ah, thank you for pointing that out. Does any member wish to change his or her vote? [Rep. Younkin holds up one finger.] We need one vote, and we don't have to do this again."**

Well-established standards of this House hold that the role of the Chair of the Committee of the Whole should be at all times fair and impartial. Accordingly, solicitation of vote changes by the Chair constitutes conduct unbecoming a presiding officer and is in violation of the ethical standards of the House of Representatives.

Your prompt attention to this request would be appreciated.

Sincerely,

Signed by Dave Wanzenried, Monica Lindeen, Tim Dowell, and Carol Juneau.

The Speaker said he would refer Representative Wanzenried's letter to the Rules Committee.

Representative Wanzenried asked the Speaker to clarify the timing as to when that referral would happen. The Speaker responded that he would know after he confers with Representative R. Brown.

**MOTIONS**

Representative Brueggeman moved to reconsider action on **SB 464** second reading today and be placed back on second reading tomorrow. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, R. Brown, Cyr, Gillan, Hawk, Hurwitz, Jayne, Laslovich, Lehman, Mendenhall, Morgan, Rice, Ryan, Sales, Sinrud, Wagman, Windy Boy.

Total 18

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**SPECIAL ORDERS OF THE DAY**

The Speaker led the House in singing Happy Birthday to Representative Steinbeisser.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, April 16, 2003. Motion carried.

House adjourned at 4:26 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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58TH LEGISLATURE  
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 16, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Peterson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/16/2003

Correctly engrossed: **HB 775**.

Correctly enrolled: **HB 9, HB 10, HB 12, HB 94, HB 100, HB 159, HB 185, HB 408, HB 441, HB 538, HB 677, HB 701**.

Examined by the sponsor and found to be correct: **HB 7, HB 9, HB 10, HB 12, HB 94, HB 100, HB 159, HB 185, HB 408, HB 441, HB 538, HB 677, HB 701**.

Signed by the Speaker at 1:00 p.m., April 15, 2003: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 609, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 676, HB 698, HB 733, HB 734, HB 761**.

Delivered to the Governor for approval at 7:35 a.m., April 16, 2003: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 609, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 676, HB 698, HB 733, HB 734, HB 761**.

**APPROPRIATIONS** (Lewis, Chairman): 4/16/2003  
**SB 489**, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman): 4/16/2003  
**HB 775**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Following:** "37-54-403."

**Insert:** "The appraisal must be conducted within 1 year of the reappraisal base year provided for in 15-7-103(5) and must establish a separate market value for each improvement and the land."

And, as amended, do pass. Report adopted.

**SB 491**, be concurred in and be placed on the consent calendar. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on Senate Amendments to **House Bill 509**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 509** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **House Bill 509** (reference copy -- salmon) be amended as follows:

1. Page 15, line 25.

**Strike:** "90" through "ACT"

**Insert:** "December 31, 2003"

2. Page 17, line 6.

**Strike:** "customer choice"

**Insert:** "transition"

For the House:

A. Olson, Chairman  
Matthews  
Mendenhall

For the Senate:

Johnson, Chairman  
McCarthy  
F. Thomas

**MESSAGES FROM THE SENATE**

**Senate joint resolution** passed and transmitted to the House for concurrence: 4/15/2003

**SJR 32**, introduced by Grimes

**House amendments to Senate joint resolution** concurred in: 4/15/2003

**SJR 18**, introduced by Harrington

**House amendments to Senate bills not** concurred in: 4/15/2003

**SB 314**, introduced by McCarthy

**SB 424**, introduced by Nelson

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/2003

**HB 11**, introduced by Kasten

**HB 42**, introduced by Barrett

**HB 261**, introduced by Haines

**HB 363**, introduced by R. Brown

**HB 559**, introduced by Gallus

**HB 722**, introduced by E. Clark

**HB 767**, introduced by Brueggeman

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/2003

**HJR 2**, introduced by Devlin

Conference Committee Report No.1 adopted: 4/15/2003

**HB 277**, introduced by Lindeen

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**Free** Conference Committee Report No.1 adopted: 4/15/2003

**HB 201**, introduced by Jent

**HB 259**, introduced by Maedje

**SB 57**, introduced by Keenan

**HB 2** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 2**:

4/15/2003

Senator Zook, Chair

Senator Keenan

Senator Nelson

**HB 190** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 190**:

4/15/2003

Senator Cobb, Chair

Senator Sprague

Senator Squires

**SB 349** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 349**:

4/15/2003

Senator Andersen, Chair

Senator Cocchiarella

Senator Grimes

**SB 375** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 375**:

4/15/2003

Senator Stapleton, Chair

Senator Elliott

Senator Perry

Governor's amendments to **House bills** concurred in and returned to the House:

4/15/2003

**HB 94**, introduced by Lawson

**HB 408**, introduced by Peterson

**HB 441**, introduced by Cyr

Governor's amendments to **Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/15/2003

**SB 101**, introduced by Mahlum

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**MESSAGES FROM THE GOVERNOR**

April 15, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 20** sponsored by Representative Golie, **House Bill 40** sponsored by Representative Newman, **House Bill 54** sponsored by Representative Newman, **House Bill 87** sponsored by Representative Jent, **House Bill 123** sponsored by Representative P. Clark, **House Bill 127** sponsored by Representative Fritz, **House Bill 170** sponsored by Representative Parker, **House Bill 171** sponsored by Representative Parker, **House Bill 203** sponsored by Representative A. Olson, **House Bill 303** sponsored by Representative A. Olson et al., **House Bill 384** sponsored by Representative McKenney, **House Bill 388** sponsored by Representative Lake et al., **House Bill 431** sponsored by Representative Lawson, **House Bill 435** sponsored by Representative Sinrud et al., **House Bill 524** sponsored by Representative Mendenhall et al., **House Bill 532** sponsored by Representative Stoker, and **House Bill 602** sponsored by Representative Galvin-Halcro on April 15, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 32**, introduced by Grimes (by request of the Senate Judiciary Standing Committee), referred to Human Services.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90



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Noes: Balyeat, Dowell, Everett, Harris, Laszloffy, Morgan, Ripley, Sales, Sinrud, Wanzenried.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 112** concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lenhart, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Roberts, Ryan, Schrupf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Weiss, Wilson, Windy Boy, Witt.  
Total 62

Noes: Balyeat, Barrett, D. Brown, E. Clark, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lange, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Wanzenried, Younkin, Mr. Speaker.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 294** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 408** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Everett, Newman, Sales, Sinrud.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 414** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Devlin, Everett, Hawk, Lake, Laslovich, Lenhart, Matthews, Morgan, Sales, Sinrud, Smith, Stoker.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 461** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 474** (requiring 2/3 vote) **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 478** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

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Noes: Fisher, Golie, Sales, Shockley.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 480** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 68

Noes: Balyeat, D. Brown, Everett, Fisher, Fuchs, Galvin-Halcro, Golie, Hawk, Jackson, Jayne, Kasten, Lange, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Pattison, Rice, Ripley, Ross, Sales, Shockley, Sinrud, Stoker, Thomas, Waitschies, Wilson.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 484** concurred in as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Andersen, Balyeat, Barrett, Everett, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lewis, Malcolm, Morgan, Pattison, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 487** concurred in as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 38** - Representative Erickson moved **HJR 38** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, R. Brown, Everett, Fuchs, Hawk, Jackson, Jayne, Lange, Mendenhall, Morgan, Ripley, Roberts, Sales, Shockley, Steinbeisser, Stoker, Wagman, Weiss.

Total 18

Excused: None.

Total 0

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Absent or not voting: Golie.  
Total 1

**SB 470** - Representative Peterson moved **SB 470** be concurred in.

Representative Erickson moved **SB 470**, second reading copy, be amended as follows:

1. Page 53, line 8.

**Strike:** "2%"

**Insert:** "1%"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Laszloffy moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Becker, Bixby, R. Brown, Cohenour, Gallik, Jayne, Juneau, Sales, Steinbeisser.  
Total 10

Excused: None.  
Total 0

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Absent or not voting: P. Clark, Dowell, Newman.  
Total 3

Motion that **SB 470** be concurred in **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Hurwitz, Jackson, Lake, Lambert, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 45

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Smith, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 464** - Representative Brueggeman moved **SB 464** be concurred in.

Representative Brueggeman moved **SB 464**, second reading copy, be amended as follows:

1. Title, line 5 through line 6.  
**Following:** "FEES;" on line 5  
**Strike:** remainder of line 5 through "ESTABLISHMENTS;" on line 6

2. Title, line 8 through line 9.  
**Following:** "SANITARIAN;" on line 8  
**Strike:** remainder of line 8 through "FOOD;" on line 9

3. Title, line 11.  
**Strike:** "50-50-201,"

4. Page 4, line 2 through line 4.  
**Strike:** subsection (18) in its entirety  
**Renumber:** subsequent subsection

5. Page 4, line 26 through page 5, line 3.  
**Strike:** section 3 in its entirety  
**Renumber:** subsequent sections

6. Page 5, line 12 through line 13.  
**Following:** "YEAR" on line 12

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**Strike:** remainder of line 12 through "FOOD" on line 13

7. Page 5, line 29 through line 30.

**Strike:** "Except" on line 29 through "for" on line 30

**Insert:** "For"

8. Page 6, line 8 through line 9.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

9. Page 6, line 11.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "through (3)"

10. Page 6, line 13.

**Strike:** "through (3)"

**Insert:** "and (2)"

11. Page 6, line 18 through line 19.

**Strike:** "Except" on line 18 through "for" on line 19

**Insert:** "For"

12. Page 6, line 27 through line 28.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

13. Page 6, line 30.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "through (3)"

14. Page 7, line 2.

**Strike:** "through (3)"

**Insert:** "and (2)"

15. Page 7, line 15.

**Strike:** "5, 7, AND 9"

**Insert:** "4, 6, and 8"

16. Page 7, line 17.

**Strike:** "6"

**Insert:** "5"

17. Page 7, line 19.

**Strike:** "5"

**Insert:** "4"

Amendment adopted as follows:

*STATE INTERNET/BBS COPY*



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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.

Total 96

Noes: Windy Boy.

Total 1

Excused: None.

Total 0

Absent or not voting: Juneau, Peterson, Witt.

Total 3

Representative Morgan moved **SB 464**, second reading copy, be further amended as follows:

1. Page 5, line 29.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 5, line 30.

**Strike:** "FOR"

**Insert:** "Except as provided in subsection (1)(b), for"

3. Page 6, following line 3.

**Insert:** "(b) For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a)."

4. Page 6, line 18.

**Following:** "(1)"

**Insert:** "(a)"

5. Page 6, line 19.

**Strike:** "FOR"

**Insert:** "Except as provided in subsection (1)(b) for"

6. Page 6, following line 22.

**Insert:** "(b) For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a)."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Ballantyne, Bergren, Callahan, Cohenour, Cyr, Gallik, Galvin-Halcro, Jayne, Keane, Lenhart, Musgrove, Parker, Ripley, Smith, Weiss, Windy Boy.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 464**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 87

Noes: R. Brown, Hawk, Jayne, Kasten, Lambert, Rice, Ryan, Wagman, Windy Boy.

Total 9

Excused: None.

Total 0

Absent or not voting: Buzzas, Franklin, Gallik, Gallus.

Total 4

**HB 3 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 3** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 73

Noes: Ballantyne, Balyeat, Bergren, Bixby, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Gallik, Galvin-Halcro, Gutsche, Jayne, Keane, Laslovich, Musgrove, Newman, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 26

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 4 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Dowell, Everett, Gallik, Hawk, Kasten, Mendenhall, Musgrove, Sales, Sinrud, Weiss.

Total 11

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

**HB 13 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 13** be concurred in.

Representative Lake moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

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Noes: Balyeat, Buzzas, Cohenour, Dowell, Franklin, Gallik, Gutsche, Jacobson, Juneau, Parker, Wilson.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Stoker.  
Total 1

Motion that Senate Amendments to **HB 13** be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Witt, Mr. Speaker.  
Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Newman, A. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 18 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 18** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Franklin, Keane, Laslovich, Newman.  
Total 4

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 559 - Senate Amendments** - Representative Gallus moved Senate amendments to **HB 559** be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, P. Clark, Dowell, Gallus, Galvin-Halcro, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lenhart, Lindeen, Malcolm, Matthews, Morgan, Newman, Noennig, A. Olson, Pattison, Rome, Ryan, Smith, Wanzenried, Younkin, Mr. Speaker.  
Total 31

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jayne, Jent, Kaufmann, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Musgrove, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt.  
Total 69

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noennig moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 78

Noes: Buzzas, Cohenour, Dowell, Fritz, Gallik, Galvin-Halcro, Juneau, Maedje, Smith, Wanzenried.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Andersen, Cyr, Erickson, Franklin, Gallus, Gillan, Jent, Lambert, Lehman, Rice, Small-Eastman, Mr. Speaker.  
Total 12

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**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**SB 415**, be amended as follows:

4/16/2003

1. Title, line 7.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 16.

**Strike:** "18"

**Insert:** "9"

**Strike:** "6,000"

**Insert:** "2,500"

3. Page 1, line 18.

**Strike:** "1 MILE"

**Insert:** "5 miles"

**Strike:** "and"

4. Page 1, line 20.

**Strike:** "OR"

**Insert:** "and"

(iv) the applicant shall pay an initial application fee of \$20,000; or"

5. Page 1, line 24.

**Strike:** "3"

**Insert:** "5"

6. Page 2, following line 16.

**Insert:** "NEW SECTION. **Section 3. Applicability.** [This act] applies to license applications filed on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**SB 485**, be concurred in. Report adopted.

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 13**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair

Representative Barrett

Representative Kaufmann

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free

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Conference Committee to meet with a like committee from the Senate to confer on **SB 375**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair  
Representative Brueggeman  
Representative Harris

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 559**. Motion carried.

The Speaker appointed the following members:

Representative Gallus, Chair  
Representative Waitchies  
Representative Andersen

Representative Shockley moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 356**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chair  
Representative Sales  
Representative Parker

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 336**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chair  
Representative Lange  
Representative Golie

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 190**  
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 190** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 190** (reference copy -- salmon) be accepted by the House.

For the House:

For the Senate:

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Younkin, Chairman  
Hurwitz

Cobb, Chairman  
Sprague

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 130**  
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 130** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 130** (reference copy -- salmon) be amended as follows:

1. Title, line 16.

**Following:** "PERCENT"

**Strike:** "ALL"

**Insert:** "10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT"

2. Page 3, line 14.

**Following:** "~~90%~~"

**Strike:** "ALL" through "AGREEMENT"

**Insert:** "Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90%"

3. Page 3, line 16 through line 18.

**Following:** "trusts"

**Strike:** ", IN ACCORDANCE" on line 16 through "TRUSTS" on line 18

4. Page 8, line 28.

**Strike:** "AND"

5. Page 9.

**Following:** line 1

**Insert:** "(b) 10% of the revenue received as a result of an agreement with the department of fish, wildlife, and parks for the use and impacts of hunting, fishing, and trapping as provided in [section 1]; and"

**Renumber:** subsequent subsection

6. Page 12, line 14.

**Strike:** "50-CENT"

7. Page 12, line 16.

**Strike:** "50-CENTS"

**Insert:** "the amount of that surcharge"

For the Senate:

McGee, Chairman

For the House:

Peterson, Chairman



HOUSE JOURNAL  
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Barkus  
Cooney

Lawson  
Matthews

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 304**  
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered **Senate Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "REQUIRING" on line 8 through "COMMITTEE:" on line 9

2. Page 2, line 3.

**Strike:** "DEPARTMENT OF LABOR AND INDUSTRY"

**Insert:** "state fund"

For the Senate:

Johnson, Chairman  
Anderson

For the House:

Lewis, Chairman  
Morgan  
Wilson

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 330**  
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 330** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 330** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

**Strike:** "PRODUCTIVITY" through "OUTCOMES"

**Insert:** "BENEFITS"

2. Page 1, line 26 through line 27.

**Strike:** "ECONOMIC" on line 26 through "OUTCOMES" on line 27

**Insert:** "statewide economic benefits"

For the Senate:

Stapleton, Chairman

For the House:

Bitney, Chairman

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Johnson  
Mangan

Fuchs  
B. Ryan

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 347**  
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 347** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 347** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

**Following:** "THAT"

**Strike:** ":", on line 29 through "(A)" on line 30

2. Page 2, line 1 through line 10.

**Following:** "AUTHORITIES" on line 1

**Strike:** ":", on line 1 through "ILLNESSES" on line 10

3. Page 5, line 23.

**Following:** "PLAN"

**Insert:** ", subject to approval of the federal waivers as provided for in [section 15]"

4. Page 7, line 26.

**Following:** "AUTHORITIES"

**Insert:** ". If the provisions of the plan requiring federal approval, as provided in [section 15], are approved, the department shall implement the plan"

**Following:** "2004"

**Insert:** ", or upon approval of the federal waivers"

5. Page 8, line 2 through line 3.

**Following:** "DESIGNATION" on line 2

**Strike:** "BY" on line 2 through "STATE" on line 3

6. Page 16, line 20.

**Following:** "SECTION 15."

**Strike:** "LEGISLATIVE"

**Insert:** "Agreements with federal government pertaining to medicaid funding of services -- legislative"

**Following:** "INTENT."

**Insert:** "(1) The department of public health and human services is directed to pursue agreements with the United States department of health and human services, as provided for in Title XIX of the federal Social Security Act, 42 U.S.C. 1396, et seq., and implementing regulations, for the provision of increased medicaid funding for mental health services and for more flexible administration of mental health services funded with medicaid money. Agreements may be for waivers, demonstrations, or other programs as allowed for in Title XIX and its implementing regulations governing the provision of medicaid funding to the states.  
(2)"

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For the Senate:

Esp, Chairman  
Keenan  
Stonington

For the House:

E. Clark, Chairman  
Franklin  
Gallus

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 375**  
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 9.

**Strike:** "Waste tire bales"

**Insert:** "Baled waste tires"

**Following:** "exception"

**Insert:** " -- department rules"

2. Page 1, line 13.

**Following:** "PURPOSE"

**Insert:** "within 500 feet of any road, commercial business, or private residence without the consent of the owner of the business or residence"

3. Page 1, line 14.

**Following:** "IN"

**Strike:** "CONCRETE OR A SIMILAR"

**Insert:** "a"

4. Page 1, line 15.

**Following:** "DEVICES."

**Insert:** "Notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste."

5. Page 1, line 16.

**Following:** "(2)"

**Strike:** "Waste tire bales"

**Insert:** "Baled waste tires"

6. Page 1, line 19.

**Following:** "CIRCUMSTANCES"

**Insert:** "or in a location where they are likely to enter any state waters.

(3) A bale of waste tires that loses its integrity is solid waste and is subject to disposal requirements and penalties as provided in this part"

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For the Senate:

Stapleton, Chairman  
Elliott  
Perry

For the House:

Barrett, Chairman  
Brueggeman  
Harris

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 395**  
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 395** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 395** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

**Strike:** "BY RESIDENTS"

2. Page 1, line 29.

**Strike:** "TO RESIDENTS"

3. Page 5, line 22.

**Following:** "\$1,000"

**Strike:** "\$200"

**Insert:** "\$75; nonresident, \$750"

4. Page 6, line 8.

**Following:** "\$1,000"

**Strike:** "\$200"

**Insert:** "\$75; nonresident, \$750"

For the Senate:

Perry, Chairman  
Barkus  
Shea

For the House:

Balyeat, Chairman  
Golie  
Wagman

**SPECIAL ORDERS OF THE DAY**

April 16, 2003

To: Representatives Wanzenried, Lindeen, Dowell and Juneau

I have reviewed Chapter 13 of *Mason's Manual of Legislative Procedure*. Chapter 13 contains Section 126 (2) that is referenced in your letter of April 15th. The Chapter deals with the conduct of members during debate and specifically references "disorderly words" as well as general rules of members' conduct during debate.

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Section 126 (2) reads as follows:

"Complaint of the conduct of the presiding officer should be presented directly for action by the house, in which case the presiding officer should vacate the chair and call a member to preside until the matter is settled."

Section 126 (2) specifically provides a remedy for replacing a presiding officer in the event that the presiding officer has used "improper conduct" or disorderly words. That remedy is that the presiding officer be replaced by another member.

Your letter of April 15 specifically suggests that Rep. Younkin has committed a violation of "conduct unbecoming a presiding officer," and "ethical misconduct."

I have reviewed MCA 2-2-101 thru 2-2-135. These are the sections of Code that delineate the Code of Ethics for legislators and other officers and employees of state government. I can find nothing in these statutes that would lead me to the conclusion that Rep. Younkin, by her action on April 14, has violated any ethical standards.

As to the assertion that Rep. Younkin engaged in "conduct unbecoming a presiding officer," I would point out the following:

1. The Senate has a board which includes a running, real time tally of the vote.
2. It could be argued that Article II, Section 9 of the Montana Constitution gives everyone the right to know, in real time, what the vote is on second and third reading in the House.
3. When the House did third reading on SB 195, I held the board open and announced several times how many votes were needed to pass the bill. There were no resulting accusations of unethical conduct, or conduct unbecoming a presiding officer. I, therefore, have to conclude that in your complaint of April 15, the real complaint is not with the conduct, but with the result.

Lastly, you state that "well-established standards of the House hold that the role of the Chair of the Committee of the Whole should be at all times fair and impartial." While I agree with the assertion that the Chair of the Day should be fair, if we were to expect the Chair to be impartial, we would not allow that person to come from the members or vote.

As of the writing of this letter, I do not intend to request a meeting of the House Rules Committee. However, if you can show me the rule you believe has been violated, I would be glad to see that that happens.

Sincerely,

Doug Mood  
Speaker of the House

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:00 a.m., Thursday, April 17, 2003. Motion carried.

House adjourned at 4:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 17, 2003

House Chambers  
State Capitol

House convened at 10:03 a.m. Mr. Speaker in the Chair. Invocation sung by the Capitol Harmony Choir and directed by Jean Stoker. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/17/2003

Correctly printed: **SB 485, SB 489, SB 491.**

Correctly engrossed: **HJR 45, SB 415, SB 490.**

Correctly enrolled: **HB 5.**

Examined by the sponsor and found to be correct: **HB 5.**

Signed by the Speaker at 2:08 p.m., April 16, 2003: **HB 7, HB 9, HB 10, HB 12, HB 100, HB 159, HB 185, HB 538, HB 677, HB 701.**

Signed by the Speaker at 3:40 p.m., April 16, 2003: **HB 94, HB 408, HB 441.**

Signed by the Speaker at 8:35 a.m., April 17, 2003: **HB 5.**

Delivered to the Governor for approval at 7:35 a.m., April 17, 2003: **HB 7, HB 9, HB 10, HB 12, HB 94, HB 100, HB 159, HB 185, HB 408, HB 441, HB 538, HB 677, HB 701.**

Delivered to the Governor for approval at 10:15 a.m., April 17, 2003: **HB 5.**

**JUDICIARY** (Shockley, Chairman):

4/17/2003

**SB 490**, be amended as follows:

1. Page 8, line 7.

**Strike:** "50%"

**Insert:** "25%"

And, as amended, be concurred in. Report adopted.

**SJR 31**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

4/17/2003

**HJR 45**, introduced joint resolution, be amended as follows:

1. Page 1, line 25.

**Strike:** ", Gail Norton,"

2. Page 2, line 7.

**Following:** "100-year-old"

**Strike:** "federal"

**Following:** "error"

**Insert:** "by the federal government"

3. Page 2, line 15.

**Following:** "that"

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**Insert:** "no member of"

4. Page 2, line 16.

**Following:** "has"

**Strike:** "not"

5. Page 2, line 22 through line 24.

**Following:** "Delegation" on line 22

**Strike:** ", consisting" on line 22 through "legislation"" on line 24

**Insert:** "be hereby urged to promptly enact federal legislation"

And, as amended, be adopted. Report adopted.

**TAXATION** (Fuchs, Chairman):

4/17/2003

**SJR 29**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

4/16/2003

**SB 492**, introduced by Johnson

**House amendments to Senate bills not** concurred in:

4/16/2003

**SB 336**, introduced by Mahlum

**SB 407**, introduced by DePratu

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/16/2003

**HB 206**, introduced by Younkin

**HB 727**, introduced by E. Clark

**HB 736**, introduced by R. Brown

**SB 336** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 336**:

4/16/2003

Senator Mahlum, Chair

Senator Shea

Senator Sprague

**SB 407** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 407**:

4/16/2003

Senator DePratu, Chair

Senator Ellingson

Senator Glaser

**SB 362** - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 362**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 362**:

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4/16/2003

Senator Grimes, Chair  
Senator Mangan  
Senator Perry

Conference Committee Report No.1 adopted:

4/16/2003

**HB 680**, introduced by Noennig

**Free** Conference Committee Report No.1 adopted:

4/16/2003

**HB 197**, introduced by Becker

**HB 298**, introduced by Younkin

**HB 536**, introduced by Brueggeman

**HB 564**, introduced by Lindeen

**HB 689**, introduced by A. Olson

**SB 126**, introduced by Story

**SB 326**, introduced by McGee

**MESSAGES FROM THE GOVERNOR**

April 16, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 17** sponsored by Representative Newman, **House Bill 76** sponsored by Representative McKenney, **House Bill 105** sponsored by Representative B. Olson, **House Bill 134** sponsored by Representative Weiss, **House Bill 210** sponsored by Representative Shockley, **House Bill 224** sponsored by Representative Shockley, **House Bill 237** sponsored by Representative Brueggeman et al., **House Bill 437** sponsored by Representative A. Olson et al., **House Bill 451** sponsored by Representative E. Clark, **House Bill 453** sponsored by Representative Raser, and **House Bill 527** sponsored by Representative Mendenhall on April 16, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 16, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620



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EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Keenan and Speaker Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 325, "**AN ACT REVISING THE RESTRICTIONS ON SUBDIVISION ACTIVITIES UNDER THE SANITATION IN SUBDIVISIONS LAWS; AMENDING SECTION 76-4-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Section 76-4-121, MCA, of the Sanitation in Subdivisions Act provides that a person may sell, build on, or occupy any lot in a subdivision only if the county clerk and recorder has recorded the plat or survey of the subdivision. Section 76-4-122 provides the clerk and recorder cannot record the plat or survey unless one of three prerequisites has been met. Before filing, the clerk must determine either that (1) the local health officer and the reviewing authority under the Sanitation in Subdivisions Act has approved the subdivision, (2) the local governing body has certified that the subdivision is within a jurisdiction that has adopted a growth policy and the subdivision will be provided with adequate municipal facilities and adequate storm drainage, or (3) the plat contains a certification that it is exempt from review under the Sanitation in Subdivisions Act.

As passed, Senate Bill No. 325 amends section 76-4-121 by replacing the requirement that the clerk and recorder must have recorded the plat or survey with a requirement that either: (1) the reviewing authority under the Sanitation in Subdivisions Act must have approved the subdivision, or (2) the local governing body must have certified that the subdivision is within a jurisdiction that has adopted a growth policy and the subdivision will be provided with adequate municipal facilities and adequate storm drainage. Unfortunately, the bill does not allow the person to sell, build on, or occupy a lot in the situation in which the subdivision is exempt from review under the Act.

The amendments I am proposing would correct this oversight by amending 76-4-121 to provide that the prohibition in the Sanitation in Subdivisions Act on sale, construction, and occupation of lots does not apply if the subdivision is exempt from review under that act. Please be advised that Senator McGee, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 325

1. Page 1, line 19.

**Strike:** "or"

2. Page 1, line 23.

**Following:** "drainage"

**Insert:** "; or

(3) the subdivision is otherwise exempt from review under 76-4-125"

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 492**, introduced by Johnson (by request of the Senate Finance Standing Committee), referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 384** - Representative Parker moved **SB 384** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 97

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Lehman, Mr. Speaker.  
Total 3

**HB 744 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 744** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

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Noes: Dickenson, Gallik, Golie, Wanzenried.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Balyeat, Branae, Gillan, Laszloffy.  
Total 4

**HB 748 - Senate Amendments** - Representative Devlin moved Senate amendments to **HB 748** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Golie, Juneau.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Gillan, Keane, Sinrud.  
Total 3

**HB 452 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 452** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 558 - Senate Amendments** - Representative D. Brown moved Senate amendments to **HB 558** be **not** concurred in. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hurwitz, Jackson, Jacobson, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Forrester, Fritz, Gibson, Gillan, Gutsche, Harris, Hedges, Jayne, Jent, Juneau, Kasten, Laslovich, Lindeen, Matthews, Morgan, A. Olson, Pattison, Raser, Rice, Sales, Shockley, Sinrud, Smith, Wanzenried, Weiss.  
Total 35

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HB 693 - Governor's Amendments** - Representative Sinrud moved Governor's amendments to **HB 693** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Hurwitz, Jayne, Shockley.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721 - Senate Amendments** - Representative Erickson moved Senate amendments to **HB 721** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Hawk, Kasten, Laszloffy, Rice, Sales, Shockley, Wagman.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 399** - Representative R. Brown moved **SB 399** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Dickenson, Galvin-Halcro, Golie, Malcolm, Newman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 446** - Representative Brueggeman moved **SB 446** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Newman, Wanzenried.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jent, Sales.  
Total 2

**HJR 35** - Representative Bixby moved **HJR 35** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Everett, Lake, Mendenhall, Wagman, Waitschies.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** - Representative Noennig moved **HJR 37** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, P. Clark, Jayne, Newman, Sales, Waitschies.  
Total 6

Excused: None.

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Total 0

Absent or not voting: Gillan, Schrumpf.

Total 2

**HJR 40** - Representative Younkin moved **HJR 40** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HJR 41** - Representative Lindeen moved **HJR 41** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 42** - Representative Lindeen moved **HJR 42** be adopted. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Everett, Hawk, Steinbeisser, Waitschies.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 43** - Representative Windy Boy moved **HJR 43** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Everett, Hawk, Lake, Malcolm, Mendenhall, Morgan, Steinbeisser, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: Gallik, Juneau, Lewis.

Total 3

**HJR 44** - Representative Fritz moved **HJR 44** be adopted.

Representative Fritz moved **HJR 44**, second reading copy, be amended as follows:

1. Page 2, line 9.

**Strike:** "actuarial"

**Insert:** "consulting"

Amendment adopted as follows:



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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Buzzas, Lambert, Lange, B. Olson, Ripley.

Total 5

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

Motion that **HJR 44**, as amended, be adopted carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Everett, Fisher, Kasten, Lambert, Lange, Lawson, Lewis, Malcolm, McKenney, B. Olson, Rome, Sales, Steinbeisser, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: Gallus, Kaufmann, Small-Eastman.

Total 3

**SJR 13** - Representative Dowell moved **SJR 13** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 58

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Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Gillan, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Pattison, Rice, Ripley, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fritz.

Total 2

**SJR 17** - Representative Bitney moved **SJR 17** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Everett, Gillan, Haines, Jayne, Sales, Thomas, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: Noennig, Ripley, Sinrud.

Total 3

**SB 473** - Representative Roberts moved **SB 473** be concurred in.

**SB 473** - Representative Lake moved **SB 473**, second reading copy, be amended as follows:

1. Page 2, line 7 through line 8.

**Strike:** "BY" on line 7 through "UPON" on line 8

**Insert:** "Upon"

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Kasten, Lake, Laszloffy, Lewis, Malcolm, Mendenhall, Morgan, A. Olson, Pattison, Rice, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Waitschies, Witt, Younkin, Mr. Speaker.

Total 32

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Callahan, Carney, P. Clark, Cohenour, Cyr,

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Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ryan, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 67

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

Motion that **SB 473** be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Fuchs, Hawk, Kasten, Lake, Laszloffy, Malcolm, Sales.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 45** - Representative Small-Eastman moved **HJR 45** be adopted. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 50

Excused: None.

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Total 0

Absent or not voting: Buzzas, Kaufmann.

Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted.

Representative Small-Eastman made a **substitute motion** that **HJR 45** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Report adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Roberts, Rome, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 60

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Pattison, Peterson, Rice, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 3, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 78

Noes: Ballantyne, Bixby, Callahan, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche,

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Harris, Jayne, Keane, Laslovich, Musgrove, Raser, Ryan, Sales, Smith, Wanzenried.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Bergren, Bixby, Callahan, Dowell, Everett, Gallik, Gibson, Hawk, Kasten, Laszloffy, Mendenhall, Musgrove, Raser, Sales, Sinrud, Wanzenried, Weiss.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 18, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Bergren, D. Brown, Dowell, Golie, Jayne, Juneau, Laszloffy, Lindeen, Maedje, Morgan, Sinrud, Wanzenried.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HJR 38** adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, R. Brown, Everett, Hawk, Jackson, Jayne, Lake, Lange, Laszloffy, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Younkin.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 464** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, R. Brown, Hawk, Kasten, Laszloffy, Lawson, Maedje, Mendenhall, Rice, Ryan, Schrumpf, Wagman.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 558**. Motion carried.

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EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

The Speaker appointed the following members:

Representative D. Brown, Chair  
Representative Maedje  
Representative Keane

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 720**  
Report No. 1, April 17, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 720** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 720** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "PERMIT"

**Strike:** "IS"

**Insert:** "AND AN OBJECTION TO AN APPLICATION FOR A WATER USE PERMIT ARE"

2. Title, line 13.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "85-2-308"

**Insert:** "AND 85-2-308"

3. Page 3, line 10.

**Insert:** "**Section 2.** Section 85-2-308, MCA, is amended to read:

**"85-2-308. Objections.** (1) (a) An objection to an application for a permit must be filed by the date specified by the department under 85-2-307(2).

(b) The objection to an application for a permit must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-311 are not met.

(2) For an application for a change in appropriation rights, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-402 are not met.

(3) A person has standing to file an objection under this section if the property, water rights, or interests of the objector would be adversely affected by the proposed appropriation.

(4) For an application for a reservation of water, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-316 are not met.

(5) An objector to an application under this chapter shall file a correct and complete objection on a form prescribed by the department within the time period stated on the public notice associated with the application. In order to assist both applicants and objectors, the department shall adopt rules in accordance with this chapter delineating the components of a correct and complete objection. For instream flow water rights for fish, wildlife, and recreation, the rules must require the objector to describe the reach or portion of the reach of the stream or river subject to the instream flow water right and the beneficial use that is adversely affected and to identify the point or points where the instream flow water right is measured and monitored. The department shall notify the objector of

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any defects in an objection. An objection not corrected or completed within 15 days from the date of notification of the defects is terminated.

(6) An objection is valid if the objector has standing pursuant to subsection (3), has filed a correct and complete objection within the prescribed time period, and has stated the applicable information required under ~~subsection (1), (2), or (4)~~ this section and rules of the department.""

**Renumber:** subsequent section

For the House:

Hurwitz, Chairman  
Jent  
Younkin

For the Senate:

Tash, Chairman  
Bales  
Nelson

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 360**  
Report No. 2, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 360** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 360** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "STATE FUND"

**Insert:** "FOR CLAIMS FOR INJURIES OCCURRING ON OR AFTER JULY 1, 1990,"

2. Title, page 1, line 9.

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

3. Page 3, line 1.

**Following:** the second "fund"

**Insert:** "for claims for injuries occurring on or after July 1, 1990,"

4. Page 3, line 26 through line 27.

**Strike:** "JULY" on line 26 through "2005" on line 27

**Insert:** "on passage and approval"

For the Senate:

F. Thomas, Chairman  
Cocchiarella  
Johnson

For the House:

McKenney, Chairman  
Fisher  
Wilson

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker and Representative Jacobson led the House in singing Happy Birthday to Representatives Erickson and



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McKenney.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, April 22, 2003. Motion carried.

House adjourned at 12:24 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 21, 2003

House Chambers  
State Capitol

House did not convene this day.

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 22, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laslovich. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Fritz, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, and seventy-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

Representative Fritz present at this time.

Mr. Speaker introduced the pages of the week:

Kandice Lesofski, White Sulphur Springs  
Anna Marxer, Dillon  
Heather Owens, Polson  
Vanessa Pattison, Glasgow  
Andrew Smith, Bozeman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/22/2003  
Correctly printed: **SB 399, SB 446, SJR 29, SJR 31.**  
Correctly enrolled: **HB 3, HB 4, HB 18.**  
Examined by the sponsor and found to be correct: **HB 3, HB 4, HB 18.**

**APPROPRIATIONS** (Lewis, Chairman): 4/22/2003  
**SB 492**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 13**  
Report No. 1, April 22, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 13** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be accepted by the House.

For the House:

For the Senate:

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A. Olson, Chairman  
Barrett

Zook, Chairman  
Tash

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 252**  
Report No. 1, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 252** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 252** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 through 8.

**Strike:** "EACH" on line 7

**Insert:** "CERTAIN"

**Strike:** "ELECTION"

**Insert:** "ELECTIONS"

**Strike:** "AND" on line 7 through "PROVIDED" on line 8

2. Page 2, lines 8 through 9.

**Strike:** "for as long" on line 8 through "application" on line 9

**Following:** "."

**Insert:** "However, the application is valid for only one federal election and all other elections until the next federal election."

3. Page 3, line 17.

**Strike:** "administration"

**Insert:** "administrator"

**Strike:** "."

4. Page 3, line 18.

**Strike:** "(A)"

**Following:** "request"

**Strike:** "that an"

**Strike:** "ballot,"

5. Page 3, lines 19 through 23.

**Strike:** "when available" on line 19 through "BALLOT" on line 23

**Insert:** "ballots for subsequent elections, as provided in 13-13-212(5)"

**Following:** "FORM"

**Insert:** ", or another form prescribed by the secretary of state,"

**Strike:** "PROVIDE"

**Insert:** "verify"

6. Page 3, line 24.

**Following:** "ADDRESS"

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**Insert:** "and must be returned with the voted absentee ballot"

**Strike:** "INCLUDED"

**Insert:** "used"

For the Senate:

Butcher, Chairman  
Stapleton

For the House:

Sinrud, Chairman  
B. Olson

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 362**  
Report No. 1, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 362** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 362** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13 through line 14.

**Strike:** "ORDERED" on line 13 through "TREATMENT" on line 14

**Insert:** "CONVICTED OF THE OFFENSE"

2. Page 2, line 8.

**Strike:** "AND"

3. Page 2, line 12.

**Following:** "and"

**Insert:** "and"

4. Page 2, line 15.

**Following:** line 14

**Insert:** "(C) if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);"

5. Page 2, line 21.

**Strike:** "AND"

6. Page 2, line 25.

**Following:** line 24

**Insert:** "(C) if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and"

7. Page 2, line 25.

**Strike:** "(C)"

**Insert:** "(D)"

8. Page 3, line 7.

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**Following:** "~~SUBSECTION (2)(B):~~"

**Insert:** "If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b)."

9. Page 5, line 19.

**Strike:** "ORDERED" through "SUBSECTION (8)"

**Insert:** "convicted under this section"

10. Page 5, line 21.

**Strike:** "ORDERED" through "SUBSECTION (8)"

**Insert:** "convicted under this section"

11. Page 5, line 25.

**Following:** "53-24-208"

**Insert:** "or by a court or provided under a contract with the department of corrections"

12. Page 6, line 1.

**Following:** "53-24-208"

**Insert:** "or by a court or provided under a contract with the department of corrections"

13. Page 6, line 7.

**Following:** "53-24-208"

**Insert:** "or by a court or provided under a contract with the department of corrections"

For the Senate:

Grimes, Chairman  
Mangan  
Perry

For the House:

Shockley, Chairman  
Parker  
Sales

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

4/17/2003

**SB 483**, introduced by Keenan

**House amendments to Senate bills** concurred in:

4/17/2003

**SB 112**, introduced by McCarthy

**SB 138**, introduced by Cobb

**SB 294**, introduced by Gebhardt

**SB 320**, introduced by Tester

**SB 478**, introduced by Story

**SB 480**, introduced by Black

**House amendments to Senate bills not** concurred in:

4/17/2003

**SB 461**, introduced by Story

**SB 487**, introduced by Pease

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**House bills** concurred in and returned to the House: 4/17/2003

**HB 705**, introduced by E. Clark

**HB 735**, introduced by Fisher

**HB 741**, introduced by Lindeen

**HB 743**, introduced by E. Clark

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/17/2003

**HB 489**, introduced by Lehman

**HB 559** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 559**: 4/17/2003

Senator Glaser, Chair

Senator Elliott

Senator Story

**HB 13** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 13**: 4/17/2003

Senator Zook, Chair

Senator Cooney

Senator Tash

**SB 314** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 314**: 4/17/2003

Senator Stapleton, Chair

Senator Esp

Senator McCarthy

Conference Committee Report No.1 adopted: 4/21/2003

**HB 642**, introduced by Devlin

**SB 304**, introduced by Johnson

**SB 330**, introduced by Mangan

**SB 347**, introduced by Keenan

**SB 395**, introduced by Perry

**Free** Conference Committee Report No.1 adopted: 4/21/2003

**HB 190**, introduced by Younkin

**HB 509**, introduced by A. Olson

**HJR 31**, introduced by Facey

**SB 130**, introduced by McGee

**SB 375**, introduced by Elliott

April 17, 2003

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 22, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 50** sponsored by Representative Haines, **House Bill 67** sponsored by Representative Kaufmann, **House Bill 98** sponsored by Representative McKenney, **House Bill 104** sponsored by Representative Bergren, **House Bill 110** sponsored by Representative Lange, **House Bill 141** sponsored by Representative Lange, **House Bill 145** sponsored by Representative McKenney, **House Bill 161** sponsored by Representative Matthews, **House Bill 183** sponsored by Representative Steinbeisser, **House Bill 205** sponsored by Representative Franklin, **House Bill 222** sponsored by Representative Parker, **House Bill 223** sponsored by Representative Lawson et al., **House Bill 269** sponsored by Representative Bergren et al., **House Bill 317** sponsored by Representative Shockley, **House Bill 337** sponsored by Representative Ripley et al., **House Bill 385** sponsored by Representative Fritz, **House Bill 480** sponsored by Representative Steinbeisser et al., **House Bill 481** sponsored by Representative Lewis et al., **House Bill 499** sponsored by Representative Franklin, **House Bill 553** sponsored by Representative Gallik et al., **House Bill 563** sponsored by Representative Laszloffy et al., **House Bill 569** sponsored by Representative Gutsche et al., **House Bill 584** sponsored by Representative Barrett et al., and **House Bill 663** sponsored by Representative Laslovich on April 17, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 18, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 130** sponsored by Representative Lewis, **House Bill 155** sponsored by Representative Jent, **House Bill 157** sponsored by Representative Haines, **House Bill 179** sponsored by Representative Matthews, **House Bill 253** sponsored by Representative Hedges, **House Bill 256** sponsored by Representative Shockley, **House Bill 266** sponsored by Representative Jacobson et al., **House Bill 270** sponsored by Representative Bergren, **House Bill 289** sponsored by Representative Newman et al., **House Bill 358** sponsored by Representative Lange et al., **House Bill 468** sponsored by Representative Gillan et al., **House Bill 521** sponsored by Representative Balyeat et al., **House Bill 525** sponsored by Representative Keane et al., **House Bill 556** sponsored by Representative Gallik et al., **House Bill 573** sponsored by Representative Parker et al., **House Bill 610** sponsored by Representative Bergren et al., **House Bill 631** sponsored by Representative Lake et al., **House Bill 641** sponsored by Representative Haines, **House Bill 647** sponsored by Representative B. Thomas, and **House Bill 703** sponsored by Representative Parker et al. on April 18, 2003.

Sincerely,



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JUDY MARTZ  
Governor

April 21, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 9** sponsored by Representative Kasten, **House Bill 152** sponsored by Representative Fisher, **House Bill 169** sponsored by Representative Keane, **House Bill 213** sponsored by Representative Gallik, **House Bill 292** sponsored by Representative Younkin, **House Bill 299** sponsored by Representative Peterson et al., **House Bill 338** sponsored by Representative Keane et al., **House Bill 396** sponsored by Representative Gibson et al., **House Bill 410** sponsored by Representative Younkin, **House Bill 484** sponsored by Representative R. Brown, **House Bill 512** sponsored by Representative Sinrud, **House Bill 537** sponsored by Representative Lawson et al., **House Bill 540** sponsored by Representative Gallik et al., **House Bill 618** sponsored by Representative Dickenson et al., **House Bill 640** sponsored by Representative Haines, **House Bill 648** sponsored by Representative Younkin, **House Bill 667** sponsored by Representative Harris et al., **House Bill 676** sponsored by Representative Lindeen, **House Bill 681** sponsored by Representative E. Clark, **House Bill 698** sponsored by Representative Gillan et al., **House Bill 733** sponsored by Representative Schruppf et al., and **House Bill 761** sponsored by Representative Haines et al. on April 21, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 21, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: House Bill No. 218***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment House Bill No. 218, "AN ACT REQUIRING THAT THE OWNER OF HIGH-LEVEL RADIOACTIVE WASTE OR TRANSURANIC WASTE PAY FEES, SUBMIT A SAFETY PLAN, AND

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EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 22, 2003

OBTAIN A PERMIT BEFORE SHIPPING THE WASTE THROUGH MONTANA; DEFINING TERMS; CREATING THE RADIOACTIVE WASTE TRANSPORTATION MONITORING, EMERGENCY RESPONSE, AND TRAINING ACCOUNT IN THE STATE SPECIAL REVENUE FUND; SPECIFYING HOW MONEY IN THE ACCOUNT MUST BE USED; REQUIRING THAT INITIAL NOTICE OF SHIPMENTS BE PROVIDED TO THE DISASTER AND EMERGENCY SERVICES DIVISION OF THE DEPARTMENT OF MILITARY AFFAIRS AND TO THE DEPARTMENT OF TRANSPORTATION; REQUIRING THAT THE DISASTER AND EMERGENCY SERVICES DIVISION NOTIFY CERTAIN OTHER AGENCIES AND PERSONS WHEN IT IS INFORMED THAT WASTE WILL BE ROUTED THROUGH MONTANA; PROVIDING RESPONSIBILITIES FOR OWNERS; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO COLLECT THE FEES AND ISSUE PERMITS; REQUIRING INSPECTIONS; REQUIRING THAT THE PERMIT REMAIN WITH THE TRANSPORTER OF WASTE AS IT TRAVELS THROUGH THE STATE; REQUIRING THE HIGHWAY PATROL TO MONITOR OR ESCORT MOTOR CARRIERS THAT ARE CARRYING THE WASTE; PROVIDING FOR THE COORDINATION OF INSPECTIONS OF MOTOR CARRIERS; ALLOWING THE HIGHWAY PATROL TO BE REIMBURSED FOR COSTS INCURRED IN MONITORING OR ESCORTING THE MOTOR CARRIERS; SPECIFYING THAT THE PUBLIC SERVICE COMMISSION IS RESPONSIBLE FOR INSPECTING RAILS OR TRAINS THAT WILL BE INVOLVED IN CARRYING THE WASTE; PROVIDING CERTAIN RECOMMENDATIONS FOR TRANSPORT OF THE WASTE; ALLOWING THE PUBLIC SERVICE COMMISSION TO ENTER INTO RECIPROCAL AGREEMENTS WITH ADJACENT STATES AND CANADIAN PROVINCES FOR INSPECTION; REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH RULES FOR CARRYING OUT THESE PROVISIONS; ASSIGNING LIABILITY; PROVIDING A PENALTY; AND PROVIDING A DELAYED EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

I have no concerns with the objectives of House Bill No. 218, nor with its specific measures. I recommend, however, that Section 8 (5) be amended, for clarification purposes, to read that the routing of the transport by motor carrier of high-level radioactive waste and transuranic waste must be determined by the Department of Transportation and the appropriate regulating federal authority.

I have enclosed my amendment to that effect. Please be advised that Senator Bookout-Reinicke, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 218

1. Page 7, line 3.

**Strike:** "TRANSPORT"

**Insert:** "The routing of the transport"

April 18, 2003

The Honorable Doug Mood

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Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: House Bill No. 247***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment House Bill No. 247, "AN ACT PROHIBITING LOCAL GOVERNMENTS FROM ENACTING ORDINANCES CONCERNING VAGRANCY; REMOVING EXISTING STATUTORY PROVISIONS CONCERNING VAGRANCY; AMENDING SECTIONS 7-1-111, 7-21-3322, 7-32-4304, AND 53-21-138, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

House Bill No. 247, as it stands, would prohibit vagrancy ordinances to include aggressive solicitation. Further, House Bill No. 247, as it stands, would not prohibit (1) panhandlers from following citizens down a public sidewalk until they respond affirmatively to the solicitation; (2) panhandlers from approaching cars stopped at a traffic light; or (3) panhandlers from blocking the safe or free passage of a person on a sidewalk.

The proposed amendments would allow cities to enact an aggressive solicitation ordinance while still prohibiting non-aggressive panhandling.

For these reasons, I *recommend* that Section 1 (14) be amended as follows: **7-1-111. Powers defined.** A local government unit with self-government powers is prohibited from exercising the following: (14) *subject to 7-32-4304*, any power to enact ordinances prohibiting or penalizing vagrancy. And, I recommend that Section 3, be amended as follows: **7-32-4304. Control of disorderly conduct and aggressive solicitation.** The city or town council has power to restrain and punish persons guilty of disorderly conduct *and aggressive solicitation as defined by ordinance*.

I have enclosed my amendments to that effect. Please be advised that Representative Harris, the sponsor of the bill, has been informed of my recommendation.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 247

1. Title, line 5.

**Following:** "VAGRANCY;"

**Insert:** "CLARIFYING THAT VAGRANCY DOES NOT INCLUDE AGGRESSIVE SOLICITATION;"

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2. Page 2, line 15.

**Following:** "(14)"

**Insert:** "subject to 7-32-4304,"

3. Page 3, line 13.

**Following:** "conduct"

**Insert:** "and aggressive solicitation"

4. Page 3, line 14.

**Following:** "conduct"

**Insert:** "and aggressive solicitation as defined by ordinance"

April 18, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 408***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment to Senate Bill 408, "AN ACT PROVIDING AN ADJUSTMENT TO ADJUSTED GROSS INCOME FOR STATE INCOME TAX PURPOSES FOR LICENSES HEALTH CARE PROFESSIONALS WHO RECEIVE A LOAN REPAYMENT INCENTIVE TO PRACTICE IN CERTAIN AREAS IN MONTANA; AMENDING SECTION 15-30-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Senate Bill 408 provides an income tax exemption for certain health care professionals who provide medical services in areas of high need, who have student loan payments, and who receive payments by a loan repayment program.

Senate Bill 408, in its current form, does not contain language limiting the tax exemption to health care providers who have received loan payments in the current tax year for student loans that are currently outstanding. In addition, the bill in its current form provides an income tax exclusion of \$5,000 without regard to the amount of loan repayment made on behalf of the health care provider. The amendatory veto language resolves these ambiguities. The amendatory language 1) clarifies that the tax exclusion claimed is equal to the amount of the loan repayment, up to a maximum of \$5,000; 2) clarifies that the exclusion is only available to taxpayers who have a current student loan; and 3) clarifies that the taxpayer must have received the loan repayment in the tax year in which the exclusion is sought.

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I have enclosed my amendment to that effect. Please be advised that the Department of Revenue concurs with this amendment. Further, please be advised that Senator Nelson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 408

1. Page 5, line 3.

**Strike:** "up to \$5,000"

**Insert:** "the amount of the loan payment received pursuant to subsection (iv), not to exceed \$5,000"

2. Page 5, line 9.

**Strike:** "had"

3. Page 5, line 10.

**Following:** "payment"

**Insert:** "during the tax year"

April 18, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Senator Keenan and Representative Mood:

***Re: Senate Bill 429***

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 429, "AN ACT GENERALLY REVISING THE PROVISIONS REGARDING REDISTRICTING; PROVIDING FOR CRITERIA; PROVIDING FOR THE USE OF DECENNIAL CENSUS DATA; PROVIDING FOR THE IMPLEMENTATION OF A SUCCESSFUL CONSTITUTIONAL AMENDMENT TO REVISE LEGISLATIVE REDISTRICTING TO CREATE A NONPARTISAN PROCESS TO ALLOW THE LEGISLATURE OPPORTUNITIES TO APPROVE A PLAN; PROVIDING THAT IF A PLAN IS NOT APPROVED, A THREE-JUDGE PANEL APPOINTED BY THE SUPREME COURT SHALL APPROVE A PLAN; PROVIDING FOR A REDISTRICTING PLAN UPON ORDER BY THE COURT; AMENDING SECTION 1, CHAPTER 4, LAWS OF 2003, AND SECTIONS 5-1-101, 5-1-102, 5-1-106, 5-1-108, 5-1-109, AND 5-1-111, MCA; REPEALING SECTION 5-1-110, MCA; CONTINGENTLY REPEALING CHAPTER 3, LAWS OF 2003; AND PROVIDING AN APPLICABILITY DATE," without my signature and

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recommend the attached amendments for the following reasons.

**Section 1. Redistricting criteria.** As passed, Senate Bill No. 429, Section 1 concerns the issue that a plan is subject to the Voting Rights Act and must comply with a set of criteria. The recommended amendments will prioritize the criteria, set forth in Section 1, in order of importance. Further, the amendment will statutorily restrict the ability of the commission to address district boundaries that coincide with the boundaries of political subdivisions of the state to the greatest extent prior to the districts being compact.

Please be advised that Senator Esp, the sponsor of the bill, has been informed of my recommendations and has no objections.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 429

1. Page 1, line 20.

**Following:** "criteria"

**Insert:** ", in order of importance"

2. Page 1, line 25.

**Following:** line 24

**Insert:** "(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line which passes through a city."

**Renumber:** subsequent subsections

3. Page 2, line 1 through line 5.

**Strike:** subsection (d) in its entirety

4. Page 2, line 8.

**Strike:** "nonpartisan"

5. Page 2, line 13 through line 17.

**Strike:** subsection (4) in its entirety

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 421**, introduced by Grimes, referred to Judiciary.

**SB 483**, introduced by Keenan, Zook (by request of the Senate Finance Standing Committee), referred to Appropriations.

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**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 314**. Motion carried.

The Speaker appointed the following members:

Representative E. Clark, Chair  
Representative Thomas  
Representative Raser

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 407**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Chair  
Representative Balyeat  
Representative Laslovich

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 424**. Motion carried.

The Speaker appointed the following members:

Representative Andersen, Chair  
Representative Jackson  
Representative Fritz

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 461**. Motion carried.

The Speaker appointed the following members:

Representative Devlin, Chair  
Representative Lake  
Representative Forrester

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 487**. Motion carried.

The Speaker appointed the following members:

Representative Bitney, Chair  
Representative Mendenhall  
Representative Small-Eastman

Majority Leader Brown moved that the House recess until 1:45 p.m. for caucuses. Motion carried.

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House recessed at 1:19 p.m.

House reconvened at 1:47 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lange in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 45** - Representative Small-Eastman moved **HJR 45** be adopted. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, McKenney, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 53

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 485** - Representative E. Clark moved **SB 485** be concurred in.

Representative E. Clark moved **SB 485**, second reading copy, be amended as follows:

1. Title, page 1, line 13.

**Following:** "PROCEEDS;"

**Insert:** "APPROPRIATING FUNDS FROM THE PREVENTION AND STABILIZATION ACCOUNT;"

2. Page 2, line 26.

**Following:** "AND"

**Strike:** "STABLIZATION"

**Insert:** "stabilization"

3. Page 3.

**Strike:** lines 2 through 6 in their entirety



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**Insert:** "(iii) independent living;  
(iv) extended employment;  
(v) child support enforcement state matching funds;  
(vi) stabilization of rates for medicaid mental health services;  
(vii) medicaid hospice services;  
(viii) home health therapy services;  
(ix) poison control; and  
(x) AIDS funds."

4. Page 3, line 9.

**Insert:** "(c) Appropriations from the prevention and stabilization account for programs listed in subsection (2)(a) are restricted for the use specified and may not be transferred to other programs pursuant to 17-7-139."

5. Page 3.

**Following:** line 13

**Insert:** "NEW SECTION. **Section 4. Appropriations from prevention and stabilization account.** (1) The following amounts are biennial appropriations from the prevention and stabilization account for the 2005 biennium:

(a) mental health services and prescription drugs for programs established pursuant to 53-21-702(2) and (3), \$8,500,000;

(b) the Montana initiative for the abatement of mortality in infants program, \$1,100,000;

(c) independent living services, \$457,532;

(d) extended employment services, \$541,278;

(e) child support enforcement, \$1,263,678;

(f) mental health medicaid service rates, \$800,000;

(g) medicaid hospice services, \$340,000;

(h) medicaid home health therapy services, \$68,000;

(i) poison control, \$77,908; and

(j) AIDS funding, \$84,000.

(2) Funds remaining in the prevention and stabilization account after these appropriations have been made may be used to fund appropriations from the prevention and stabilization account that are authorized in House Bill No. 2."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

Representative Maedje moved **SB 485**, second reading copy, be further amended as follows:

1. Title, line 7.

**Following:** "2003;"

**Insert:** "ESTABLISHING A TOBACCO CESSATION REIMBURSEMENT PROGRAM;"

2. Title, line 13.

**Following:** "PROCEEDS;"

**Insert:** "PROVIDING AN APPROPRIATION;"

3. Title, line 14.

**Strike:** "AN"

**Strike:** the first "DATE"

**Insert:** "DATES"

4. Page 1, line 27.

**Following:** "(2)"

**Insert:** "(a)"

5. Page 2, line 1.

**Strike:** "The"

**Insert:** "(b) For the biennium beginning July 1, 2003, \$200,000 of the funds remaining in the state special revenue account established in subsection (2)(a) may be used by the"

**Strike:** "shall"

**Insert:** "only to"

6. Page 2, line 2.

**Strike:** "and"

**Insert:** ". The department"

7. Page 2.

**Following:** line 5

**Insert:** "(c) (i) For the biennium beginning July 1, 2003, \$400,000 of the funds remaining in the state special revenue account established in subsection (2)(a) may be used by the department of public health and human services to establish a tobacco cessation reimbursement program to help adults who want to quit tobacco use. An adult who successfully completes a tobacco cessation program is eligible for reimbursement by the department for the cost of the program. The reimbursement must be made as follows:

(A) one-half of the cost upon presentation of evidence of enrollment in the program; and

(B) one-half of the cost upon presentation of evidence of successful completion of the program.

(ii) A request for reimbursement must be made to a local board of health.

(iii) A person who is reimbursed in accordance with the provisions of this subsection (2)(c) is not eligible for reimbursement for the successful completion of another tobacco cessation program for at least 12 months from the date of the final reimbursement under subsection (2)(c)(i)(B).

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(iv) As used in this subsection (2)(c), "tobacco cessation program" means a program offered by a health care facility licensed by the state that uses a combination of behavioral therapy and medication to treat people who want to stop smoking."

8. Page 2.

**Following:** line 20

**Insert:** "Section 2. Section 17-6-606, MCA, is amended to read:

**"17-6-606. Tobacco settlement accounts -- purpose -- uses.** (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program; and
- (d) provide funds for the comprehensive health association programs.

(2) (a) An amount equal to 32% 9.6% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection (2)(a) may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(b) (i) An amount equal to 22.4% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection (2)(b) may be used only for funding a tobacco cessation program established by the department of public health and human services to help adults who want to quit tobacco use. An adult who successfully completes a tobacco cessation program is eligible for reimbursement by the department for the cost of the program. The reimbursement must be made as follows:

- (A) one-half of the cost upon presentation of evidence of enrollment in the program; and
- (B) one-half of the cost upon presentation of evidence of successful completion of the program.

(ii) A request for reimbursement must be made to a local board of health.

(iii) A person who is reimbursed in accordance with the provisions of this subsection (2)(b) is not eligible for reimbursement for the successful completion of another tobacco cessation program for at least 12 months from the date of the final reimbursement under subsection (2)(b)(i)(B).

(iv) As used in this subsection (2)(b), "tobacco cessation program" means a program offered by a health care facility licensed by the state that uses a combination of behavioral therapy and medication to treat people who want to stop smoking.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; and

(b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513.

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.

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(6) Programs funded under this section that are private in nature may be funded through contracted services.""

**Renumber:** subsequent sections

9. Page 3.

**Following:** line 8

**Insert:** "NEW SECTION. Section 4. Appropriation. There is appropriated from the state special revenue account provided for in 17-6-606(2) to the department of public health and human services \$3,000,000 for each of the fiscal years 2004 and 2005 for the tobacco cessation reimbursement program."

**Renumber:** subsequent sections

10. Page 3, line 11.

**Strike:** "2"

**Insert:** "3"

11. Page 3, line 14.

**Strike:** "2"

**Insert:** "3"

12. Page 3, line 15.

**Strike:** "2"

**Insert:** "3"

13. Page 3, line 22.

**Strike:** "[This"

**Insert:** "(1) Except as provided in subsection (2), [this"

14. Page 3.

**Following:** line 22

**Insert:** "(2) [Section 2] is effective July 1, 2005."

Amendment **not** adopted as follows:

Ayes: Barrett, Bookout-Reinicke, Brueggeman, Cyr, Gallus, Jackson, Lambert, Lange, Lehman, Maedje, Matthews, Mendenhall, Morgan, Newman, A. Olson, Rice, Ripley, Rome, Ross, Ryan, Shockley, Steinbeisser, Stoker, Thomas, Wagman.

Total 25

Noes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, McKenney, Musgrove, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Motion that **SB 485**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 67

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Facey, Franklin, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lindeen, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.  
Total 33

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 489** - Representative Shockley moved **SB 489** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 775** - Representative Laszloffy moved **HB 775** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.

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Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 2 - Senate Amendments** - Representative Devlin moved Senate amendments to **HJR 2** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Matthews, Musgrove, Parker, Raser, Rice, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 490** - Representative Noennig moved **SB 490** be concurred in.

Representative Noennig moved **SB 490**, second reading copy, be amended as follows:

1. Page 7, line 19.

**Insert:** "(3) Interest and earnings on the account must be deposited in the account."

Amendment adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Buzzas.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **SB 490**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Callahan, Galvin-Halcro, Lawson, Wanzenried.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 31** - Representative Shockley moved **SJR 31** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

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Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 80

Noes: Bergren, Callahan, P. Clark, Dickenson, Franklin, Gallik, Galvin-Halcro, Golie, Gutsche, Jayne, Keane, Laslovich, Mendenhall, Musgrove, Newman, Parker, Ryan, Weiss, Wilson.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**HB 539 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 539** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 261 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 261** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Windy Boy, Witt, Younkin.  
Total 75

Noes: Balyeat, Everett, Franklin, Fuchs, Galvin-Halcro, Gillan, Golie, Hawk, Jayne, Kasten, Laszloffy, Maedje, B.



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Olson, Pattison, Ryan, Sales, Shockley, Sinrud, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Mr. Speaker.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**HB 722 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 722** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Devlin, Everett, Fisher, Franklin, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Ballantyne, Balyeat, Bergren, Bixby, Branae, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Lenhart, Musgrove, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Wilson.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 767 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 767** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Erickson, Fritz, Jayne, Sales.  
Total 5

Excused: None.  
Total 0

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Absent or not voting: Lehman.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lange moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Everett, Fisher, Fritz, Fuchs, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 62

Noes: Balyeat, Bergren, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Ripley, Smith.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 491**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: Gallus.  
Total 1

**HB 452, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: D. Brown, Devlin, Hedges, Jackson, Lake, Pattison, Sales, Steinbeisser, Waitschies.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 693, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Fritz, Jayne, Sales, Smith.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman,

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Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, R. Brown, Fisher, Fuchs, Hawk, Jackson, Kasten, Lake, Laszloffy, Morgan, Rice, Sales, Smith, Wagman.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 744, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Dickenson, Gallik, Golie.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 748, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice,

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Total 96

Noes: Callahan, Dickenson, Golie, Juneau.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 35** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, Everett, Fisher, Lake, Maedje, Mendenhall, Steinbeisser, Wagman, Waitschies, Witt.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Jayne, Maedje, Newman, Pattison, Sales, Sinrud, Waitschies.  
Total 8

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 40** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Barrett, Waitschies.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 41** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Shockley, Waitschies.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HJR 42** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, D. Brown, Everett, Fuchs, Hawk, Steinbeisser, Waitschies.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 43** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Barrett, Everett, Fisher, Hawk, Hurwitz, Jackson, Lake, Malcolm, Mendenhall, Steinbeisser, Waitschies.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 384** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews,

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Total 96

Noes: Harris, Jent, Laszloffy, Shockley.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 399** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Dickenson, Galvin-Halcro, Golie, Malcolm, Newman.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 446** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Bergren, Gallik, Hurwitz, Keane, Newman, Wanzenried.  
Total 6



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 473** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Everett, Hawk, Kasten, Laszloffy, Malcolm, Pattison, Sales.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 13** concurred in as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 63

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fisher, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Morgan, B. Olson, Pattison, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SJR 17** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Everett, Gillan, Jackson, Jayne, Thomas, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 775** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):

4/22/2003

**SJR 32**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 336**  
Report No. 1, April 22, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 336** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 336** (reference copy -- salmon) be amended as follows:

1. Title, line 11.

**Following:** "~~NOT~~"

**Insert:** "NOT"

2. Title, line 12.

**Strike:** "INTENDS"

**Insert:** "DOES NOT INTEND"

3. Title, line 14.

**Strike:** "AND FISHING ACCESS SITES"

4. Page 3, line 3.

**Strike:** "\$3.25"

**Insert:** "\$3.50"

5. Page 3, line 4.

**Strike:** "50"

**Insert:** "25"

6. Page 4, line 24.

**Strike:** "AND FISHING ACCESS SITES"

7. Page 6, line 12.

**Strike:** "IF"

**Insert:** "Unless"

8. Page 6, line 17.

**Strike:** "INTENDS"

**Insert:** "does not intend"

9. Page 6, line 18.

**Following:** "not"

**Insert:** "not"

10. Page 6, line 19.

**Following:** "is"

**Strike:** "NOT"

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For the Senate:

Mahlum, Chairman  
Shea  
Sprague

For the House:

Brueggeman, Chairman  
Golie  
Lange

**MESSAGES FROM THE SENATE**

**HB 558** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 558**:  
4/22/2003

Senator Mahlum, Chair  
Senator Shea  
Senator Sprague

**HB 559** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 559**:  
4/22/2003

Senator Glaser, Chair  
Senator Elliott  
Senator Story

**SB 461** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 461**:  
4/22/2003

Senator Story, Chair  
Senator DePratu  
Senator Stonington

**MOTIONS**

Representative Jent moved the Speaker dissolve the conference committee and reappoint a second conference committee to meet with a like committee from the Senate on **HB 424**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Parker.  
Total 1

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

Representative R. Brown moved the Speaker dissolve the conference committee on and appoint a free conference committee to meet with a like committee from the Senate on **HB 559**. Motion carried.

The Speaker will announce the committee assignments to **HB 424** and **HB 559** during Unfinished Business on Legislative Day 86.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:30 a.m., Wednesday, April 23, 2003. Motion carried.

House adjourned at 4:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 23, 2003

House Chambers  
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Small-Eastman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**UNFINISHED BUSINESS**

The Speaker appointed the following members to the conference committee on **HB 424**:

Representative Bitney, Chair  
Representative Roberts  
Representative Jent

The Speaker appointed the following members to the Free Conference Committee on **HB 559**:

Representative Brueggeman, Chair  
Representative Musgrove  
Representative Gallus

The Speaker had conferred with the Rules Committee regarding either House requesting the return of a bill. The Rules Committee ruled that a formal letter would need to be written to the House Leader followed with a motion on the House floor requiring a majority vote.

The Speaker responded to Minority Leader Wanzenried's inquiry about **HB 363**. The rules would need to be suspended for the late transmittal and this motion would require a 2/3 vote.

Minority Leader Wanzenried further inquired about **SB 493** and whether it would also require this same procedure. The Speaker will look into it.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/23/2003

Correctly printed: **SB 492, SJR 32**.

Correctly enrolled: **HB 705, HB 735, HB 741, HB 743**.

Examined by the sponsor and found to be correct: **HB 705, HB 735, HB 741, HB 743**.

Signed by the Speaker at 8:10 a.m., April 23, 2003: **HB 3, HB 4, HB 18**.

Signed by the Speaker at 11:45 a.m., April 23, 2003: **HB 705, HB 735, HB 741, HB 743**.

Delivered to the Governor for approval at 9:25 a.m., April 23, 2003: **HB 3, HB 4, HB 18**.

Delivered to the Governor for approval at 12:50 p.m., April 23, 2003: **HB 705, HB 735, HB 741, HB 743**.

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**MESSAGES FROM THE GOVERNOR**

April 22, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 94** sponsored by Representative Lawson, **House Bill 185** sponsored by Representative Wilson, **House Bill 408** sponsored by Representative Peterson et al., **House Bill 441** sponsored by Representative Cyr et al., **House Bill 478** sponsored by Representative Peterson, and **House Bill 653** sponsored by Representative Lambert et al. on April 22, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 22, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 5, "**AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2005; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

**Section 2. Capital projects appropriations.** As passed, House Bill No. 5 Section 2, reads that the Department of Administration, for the purpose of fostering restoration, maintenance, and development of the project at the Montana Veteran's Home in Columbia Falls, may waive the requirements pertaining to bidding and bonding for

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State building projects in Title 39. A technical amendment must be made to strike Title 39 and insert Title 18. Specifically, Section 2, (2)(a)(i) should read that the Department of Administration...may waive...,the requirements pertaining to: bidding and bonding for state building projects in Title 18.

I have enclosed my amendment to that effect. Please be advised that Representative Kasten, the sponsor of the bill, has been informed of my recommendation and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 5

1. Page 4, line 18.

**Strike:** "39"

**Insert:** "18"

April 22, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 609, "AN ACT HONORING THE SACRIFICE, PATRIOTISM, AND LONG TRADITION OF MILITARY PARTICIPATION BY MONTANA'S AMERICAN INDIAN CITIZENS BY REQUIRING SPECIFIC RECOGNITION OF MONTANA'S PAST, PRESENT, AND FUTURE AMERICAN INDIAN WAR VETERANS IN THE CONSTRUCTION OF THE AMERICAN INDIAN MONUMENT AND TRIBAL FLAG CIRCLE; AMENDING SECTION 22-2-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

**House Bill No. 609 to provide a contingent effective date.** I recommend that House Bill No. 609 be amended as follows: This act is effective on the date that the state treasurer certifies to the governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle. The state treasurer shall provide a copy of the certification to the code commissioner.

I have enclosed my amendment to that effect. Please be advised that Representative Windy Boy, the sponsor of the bill, has been informed of my recommendation and has no objections.



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I urge your concurrence in the amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 609

1. Title, line 11.

**Strike:** "AN IMMEDIATE"

**Insert:** "A CONTINGENT"

2. Page 2, line 23.

**Strike:** "passage and approval"

**Insert:** "the date that the state treasurer certifies to the governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle. The state treasurer shall provide a copy of the certification to the code commissioner"

April 22, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 370***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 370, "AN ACT REVISING WHICH ENTITIES PAY FOR THE MEDICAL EXPENSES OF INMATES HELD IN COUNTY DETENTION FACILITIES; PROVIDING CIRCUMSTANCES UNDER WHICH THE INMATE IS RESPONSIBLE FOR PAYMENT; REQUIRING THE HEALTH CARE PROVIDER TO COLLECT PAYMENTS FOR TREATMENT FROM INMATES WHO ARE ABLE TO PAY; PROVIDING CIRCUMSTANCES UNDER WHICH THE COUNTY IS RESPONSIBLE FOR PAYMENT; AMENDING SECTIONS 7-32-2222 AND 7-32-2245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 370, or with its specific measures. I recommend, however, that Section 2 (3)(C) be amended to read that if the health care provider is reimbursed by the third-party payor *or by the inmate* or after the provider has been reimbursed by the county, the provider shall refund to the county the amount that the provider had been paid by the county for the services provided to the inmate.

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I have enclosed my amendment to that effect. Please be advised that Senator Gebhardt, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 370

1. Page 3, line 2.  
**Following:** "BY"  
**Insert:** "the inmate or"

April 22, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 381***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 381, " AN ACT PROVIDING THAT THE USE OF ARBITRATION FOR DISPUTE RESOLUTION UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS NOT MANDATORY; AMENDING SECTIONS 75-7-111, 75-7-112, 75-7-113, 75-7-116, 75-7-117, AND 75-7-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason.

Section 75-7-112, MCA, Section 2 gives the applicant 15 days to choose either arbitration or judicial review. The conservation district supervisor and the department of fish, wildlife and parks representative are limited to 5 days to give notice of arbitration. If arbitration is selected by a person other than the applicant and then the applicant attempts to seek a judicial review a conflict of laws problem is created. In other words, both arbitration and judicial review have been invoked and the question becomes which process should be used. The DNRC recommends that the applicant's choice of remedy should prevail.

The following attached amendments will provide the following:

(1)The applicant's choice of filing a petition for judicial review will prevail over a fish, wildlife and parks or a conservation districts representative's choice of filing for arbitration.

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(2) The effective date would be moved to give the local, state and federal agencies the time to develop the necessary applications, etc. to implement the law as amended by SB 381.

Please be advised that the Department of Natural Resources and Conservation concur with this amendment. Further, please be advised that Senator Keenan, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 381

1. Title, line 6.

**Following:** " ; "

**Insert:** "AND"

2. Title, line 7.

**Strike:** " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE "

3. Page 5, line 23.

**Following:** "Review."

**Insert:** "(1)"

4. Page 5, line 26.

**Insert:** "(2) An applicant's choice of the judicial review remedy prevails over any other team member's request for arbitration regardless of whether arbitration was requested prior to the filing of a petition for judicial review by the applicant."

5. Page 5, line 27.

**Strike:** section 7 in its entirety

Majority Leader Brown moved that the House recess until 9:15 a.m. for caucuses. Motion carried.

House recessed at 8:45 a.m.

House reconvened at 9:19 a.m. All members present. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
**on House Bill 13**  
Report No. 1, April 22, 2003

Mr. Speaker and Mr. President:

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We, your Free Conference Committee met and considered **House Bill 13** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be accepted by the House.

For the House:

A. Olson, Chairman  
Barrett

For the Senate:

Zook, Chairman  
Tash

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 252**  
Report No. 1, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 252** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 252** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 through 8.

**Strike:** "EACH" on line 7

**Insert:** "CERTAIN"

**Strike:** "ELECTION"

**Insert:** "ELECTIONS"

**Strike:** "AND" on line 7 through "PROVIDED" on line 8

2. Page 2, lines 8 through 9.

**Strike:** "for as long" on line 8 through "application" on line 9

**Following:** "."

**Insert:** "However, the application is valid for only one federal election and all other elections until the next federal election."

3. Page 3, line 17.

**Strike:** "administration"

**Insert:** "administrator"

**Strike:** "."

4. Page 3, line 18.

**Strike:** "(A)"

**Following:** "request"

**Strike:** "that an"

**Strike:** "ballot,"

5. Page 3, lines 19 through 23.

**Strike:** "when available" on line 19 through "BALLOT" on line 23

**Insert:** "ballots for subsequent elections, as provided in 13-13-212(5)"

**Following:** "FORM"

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**Insert:** ", or another form prescribed by the secretary of state,"

**Strike:** "PROVIDE"

**Insert:** "verify"

6. Page 3, line 24.

**Following:** "ADDRESS"

**Insert:** "and must be returned with the voted absentee ballot"

**Strike:** "INCLUDED"

**Insert:** "used"

For the Senate:

Butcher, Chairman  
Stapleton

For the House:

Sinrud, Chairman  
B. Olson

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 727 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 727** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 90** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 415** - Representative Mood moved **SB 415** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 70

Noes: Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Jackson, Jayne, Juneau, Kaufmann, Laslovich, Lindeen, Matthews, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 101 - Governor's Amendments** - Representative Keane moved Governor's amendments to **SB 101** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Smith.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 56 - Conference Committee Report No. 1** - Representative B. Thomas moved the Conference Committee report to **HB 56** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 190** - Representative Laszloffy moved consideration of **HB 190** be placed below HB 298 on the second reading board. Motion carried.

**HB 197 - Free Conference Committee Report No. 1** - Representative Becker moved the Free Conference Committee report to **HB 197** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 201 - Free Conference Committee Report No. 1** - Representative Jent moved the Free Conference Committee report to **HB 201** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 211 - Free Conference Committee Report No. 1** - Representative Newman moved the Free Conference Committee report to **HB 211** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 68



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Noes: Ballantyne, Balyeat, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Erickson, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lindeen, Musgrove, Ryan, Sales, Small-Eastman, Wanzenried, Windy Boy.

Total 30

Excused: None.

Total 0

Absent or not voting: Franklin, Wilson.

Total 2

**HB 259 - Conference Committee Report No. 1** - Representative Maedje moved the Conference Committee report to **HB 259** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Fisher, Gillan, Jayne.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 277 - Conference Committee Report No. 1** - Representative Lindeen moved the Conference Committee report to **HB 277** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, Brueggeman, Callahan, E. Clark, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gibson, Golie, Haines, Hedges, Hurwitz, Jackson, Kaufmann, Lake, Lambert, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Balyeat, Becker, Bixby, D. Brown, R. Brown, Buzzas, Carney, P. Clark, Cohenour, Cyr, Dowell, Everett, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lange, Laslovich, Laszloffy, Lawson, Lewis, Maedje, Mendenhall, Musgrove, Newman, Sales, Waitschies, Weiss, Witt.

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Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 283 - Free Conference Committee Report No. 1** - Representative Fuchs moved the Free Conference Committee report to **HB 283** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Carney, Cohenour, Dowell, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Malcolm, Musgrove, Parker, Raser, Small-Eastman, Smith, Windy Boy.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 190 and HB 298 - Free Conference Committee Reports No. 1** - Representative Laszloffy moved consideration of the Free Conference Committee Reports to **HB 190 and HB 298** be placed at the bottom of the second reading board. Motion carried.

**HB 403 - Conference Committee Report No. 1** - Representative Keane moved the Conference Committee report to **HB 403** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Everett, Sales, Sinrud.

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Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 509 - Free Conference Committee Report No. 1** - Representative A. Olson moved the Free Conference Committee report to **HB 509** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Jayne, Morgan.

Total 2

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 536 - Free Conference Committee Report No. 1** - Representative Brueggeman moved the Free Conference Committee report to **HB 536** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Buzzas, Carney, Cohenour, Cyr, Dickenson, Erickson, Fritz, Fuchs, Gallik, Galvin-Halcro, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Sales, Small-Eastman, Weiss.

Total 24

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 564 - Free Conference Committee Report No. 1** - Representative Lindeen moved the Free Conference Committee report to **HB 564** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Everett, Fuchs, Hawk, Kasten, Ripley, Sales, Shockley, Waitschies.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 642 - Conference Committee Report No. 1** - Representative Devlin moved the Conference Committee report to **HB 642** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Bixby, Gallik, Jayne, Kaufmann, Sales.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 680 - Conference Committee Report No. 1** - Representative Noennig moved the Conference Committee report to **HB 680** be adopted. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**HB 689 - Free Conference Committee Report No. 1** - Representative A. Olson moved the Free Conference Committee report to **HB 689** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lindeen, Musgrove, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 31 - Free Conference Committee Report No. 1** - Representative Facey moved the Free Conference Committee report to **HJR 31** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann,

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Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Everett.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**SB 47 - Conference Committee Report No. 1** - Representative Mendenhall moved the Conference Committee report to **SB 47** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Dickenson, Gallik, Gillan, Golie, Harris, Jayne, Sales, Smith.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57 - Free Conference Committee Report No. 1** - Representative B. Thomas moved the Free Conference Committee report to **SB 57** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy

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Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 126 - Free Conference Committee Report No. 1** - Representative Devlin moved the Free Conference Committee report to **SB 126** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**HB 298 - Free Conference Committee Report No. 1** - Representative Younkin moved the Free Conference Committee report to **HB 298** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Galvin-Halcro, Gillan, Golie, Jayne, Juneau, Kasten.

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Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 190 - Free Conference Committee Report No. 1** - Representative Younkin moved the Free Conference Committee report to **HB 190** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin.

Total 70

Noes: Bergren, Callahan, Carney, P. Clark, Cohenour, Dowell, Erickson, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 28

Excused: None.

Total 0



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Absent or not voting: Lehman, Mr. Speaker.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 2, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Rice, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 44** adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 92

Noes: Everett, Franklin, Lambert, McKenney, Rome, Steinbeisser, Waitschies, Witt.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HJR 45 failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 51

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 261, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 71

Noes: Balyeat, Becker, D. Brown, Buzzas, P. Clark, Everett, Franklin, Galvin-Halcro, Golie, Hawk, Jackson, Jayne, Juneau, Kasten, Laszloffy, Lindeen, Maedje, Malcolm, Morgan, Newman, Pattison, Ryan, Sales, Shockley, Sinrud, Smith, Wagman, Wanzenried, Weiss.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 539, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,

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Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 722, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 73

Noes: Balyeat, Bixby, Branae, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Jayne, Keane, Laszloffy, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Wilson.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 767** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

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Noes: Balyeat, Bixby, Erickson, Jayne, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 489** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 31** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 75

Noes: Ballantyne, Bergren, Branae, Callahan, P. Clark, Cyr, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Jackson, Jayne, Kaufmann, Keane, Laslovich, Mendenhall, Musgrove, Newman, Parker, Ryan, Waitschies, Wilson.  
Total 25

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/23/2003

**SB 325**, introduced by McGee

**SB 408**, introduced by Nelson

**SB 429**, introduced by Esp

**SB 493**, introduced by Keenan

**House amendments to Senate bill** concurred in: 4/23/2003

**SB 464**, introduced by Keenan

**House joint resolution** concurred in and returned to the House: 4/23/2003

**HJR 36**, introduced by Pattison

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/23/2003

**HB 608**, introduced by Windy Boy

**Free Conference Committee Report No.1** adopted: 4/23/2003

**HB 720**, introduced by Hurwitz

**SB 360**, introduced by F. Thomas

**SB 362**, introduced by Grimes

April 22, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 270***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 270, "AN ACT REVISING THE INDEPENDENT CONTRACTOR EXEMPTION LAWS; IMPOSING A CIVIL PENALTY AND REQUIRING REPAYMENT OF

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UNEMPLOYMENT CONTRIBUTIONS AND WORKERS' COMPENSATION PREMIUMS AGAINST AN EMPLOYER WHO FALSELY MISREPRESENTS AN EMPLOYEE'S STATUS AS AN EXEMPT INDEPENDENT CONTRACTOR; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO APPOINT AN INTERIM ADVISORY COMMITTEE TO STUDY ISSUES RELATED TO INDEPENDENT CONTRACTORS AND TO MAKE RECOMMENDATIONS TO THE 59TH LEGISLATURE; AMENDING SECTION 39-71-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 270, or with its specific measures. I recommend, however, that Section 1 (3)(f) be deleted in its entirety. A purpose of the bill is to penalize an independent contractor who misrepresents his or her status as an exempt independent contractor. I trust that the advisory committee, contained in Section 2, will study issues relating to independent contractors as it relates to a working definition and to exemptions of independent contractors from coverage under the Worker's Compensation Act.

I have enclosed my amendment to that effect. I urge your concurrence in this amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 270

1. Title, lines 4 through 15.  
**Strike:** "REVISING" on line 12 through "CONTRACTOR;" on line 15
2. Title, lines 17 and 18.  
**Following:** ";" on line 17  
**Strike:** remainder of line 17 through "MCA;" on line 18
3. Title, line 19.  
**Strike:** "AND AN APPLICABILITY DATE"
4. Page 2, line 3 through page 6, line 9.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections
5. Page 6, line 27.  
**Strike:** "-- applicability"
6. Page 6, lines 28 and 29.  
**Following:** "approval" on line 28  
**Strike:** remainder of line 28 through "act]" on line 29

**MOTIONS**

Representative Kasten moved to **suspend the rules** for the placement of **HB 11** on second reading this day.

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Representative Kasten withdrew his motion.

Representative R. Brown moved the Speaker dissolve the conference committee and reappoint a Free Conference Committee on **SB 461**.

The Speaker appointed the following members:

Representative Devlin, Chair  
Representative Lake  
Representative Forrester

**UNFINISHED BUSINESS**

Minority Leader Wanzenried asked the Speaker for a ruling on **SB 483** and whether it will require a 2/3 vote to bring it back to the floor.

The Speaker ruled that the bill missed the deadline and so requires a 2/3 vote.

Mr. Speaker asked Representative Lewis to postpone the hearing on SB 483.

Committee meetings were announced by the committee chairs.

Representative Lewis announced the postponement of the committee hearing on SB 483.

Majority Leader Brown moved that the House recess until 1:00 p.m. Motion carried.

House recessed at 10:31 a.m.

House reconvened at 1:02 p.m. All members present. Quorum present.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 349**  
Report No. 1, April 22, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 349** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 349** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5 through line 20.

**Following:** "~~insurance~~" on line 5

**Strike:** remainder of line 5 through "INSURER" on line 20

**Insert:** "means a denial, nonrenewal, or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of coverage of any insurance, existing or applied for, in connection with the underwriting of personal insurance"

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2. Page 3, lines 11 and 12.

**Following:** "insured." on line 11

**Strike:** remainder of line 11 through "SCORE." on line 12

3. Page 3, line 13 through line 15.

**Strike:** subsection (9) in its entirety

4. Page 3, line 21.

**Following:** "~~solely~~"

**Insert:** "solely"

5. Page 3, line 22.

**Strike:** "AND SUBSTANTIALLY WEIGHING"

**Insert:** "any"

**Strike:** "FACTORS"

**Insert:** "factor"

6. Page 3, line 24.

**Following:** "~~renewal~~"

**Insert:** "renewal"

**Following:** "~~solely~~"

**Insert:** "solely"

7. Page 3, line 25.

**Strike:** "AND SUBSTANTIALLY WEIGHING"

**Insert:** "any"

**Strike:** "FACTORS"

**Insert:** "factor"

8. Page 3, line 27.

**Following:** "~~solely~~"

**Insert:** "solely"

9. Page 3, line 28.

**Strike:** "AND SUBSTANTIALLY WEIGHING"

**Insert:** "any"

**Strike:** "FACTORS"

**Insert:** "factor"

10. Page 4, line 5.

**Following:** "~~criteria~~"

**Insert:** "unless the insurer does one of the following:

(a) treats the consumer as otherwise approved by the commissioner if the insurer presents information that the absence or inability relates to the risk for the insurer;

(b) treats the consumer as if the consumer had neither positive nor negative credit information, as defined by the insurer; or

(c) excludes the use of credit information as a factor and uses only other underwriting criteria"

11. Page 4, line 21.



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**Following:** line 20

**Insert:** "(i) the insurer is treating the consumer as otherwise approved by the commissioner;"

**Renumber:** subsequent subsections

12. Page 4, line 30.

**Strike:** "THE NUMBER OF"

**Insert:** "promotional, account review, or account management"

13. Page 5, line 1.

**Following:** "information"

**Insert:** "or inquiries requested by the consumer for the consumer's own credit information"

14. Page 5, line 6.

**Following:** "or"

**Insert:** "or"

15. Page 5, lines 9 and 10.

**Following:** "considered" on line 9

**Strike:** remainder of line 9 through "DEBIT CARD" on line 10

16. Page 6, line 9.

**Strike:** "AT LEAST four"

**Insert:** "all"

17. Page 6, line 10.

**Following:** "factors"

**Insert:** ", up to four,"

18. Page 6, lines 13 and 14.

**Following:** "section" on line 13

**Strike:** remainder of line 13 through "EXPLANATION" on line 14

19. Page 6, line 15 through line 19.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) provide the consumer with the following information, which must be included with the information provided to the consumer pursuant to subsection (2):

(a) examples of the kinds of information considered by the insurer in the development of the consumer's insurance score;

(b) the name and telephone number of the consumer reporting agency that the insurer used to obtain the consumer's credit information or the third party used to determine the insurance score; and

(c) notice of how the consumer may exercise the consumer's remedies under [sections 5(7) and 6]."

20. Page 6, line 23.

**Strike:** "MUST"

**Insert:** "may"

21. Page 6, lines 24 through 26.

**Following:** "CRITERION" on line 24

**Strike:** "AS REQUIRED IN"

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**Insert:** "pursuant to"

**Following:** "33-16-203" on line 24

**Strike:** remainder of line 24 through "CODE" on line 26

22. Page 7, line 15.

**Following:** line 14

**Insert:** "(2) The restrictions provided in subsection (1) do not apply to data or lists that the consumer reporting agency supplies to the insurance producer from whom information was received, the insurer on whose behalf the insurance producer acted, or the insurer's affiliates or holding companies."

**Renumber:** subsequent subsection

For the Senate:

Anderson, Chairman  
Grimes

For the House:

Steinbeisser, Chairman  
Rome

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 487**  
Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 487** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 487** (reference copy -- salmon) be amended as follows:

1. Title, lines 8 and 9.

**Following:** "PROJECT;" on line 8

**Strike:** remainder of line 8 through "PROJECT;" on line 9

**Following:** "AND"

**Insert:** "AND"

**Strike:** "90-5-101."

2. Page 3, lines 1 through 4.

**Strike:** "\$800" on line 1

**Insert:** "\$100"

**Following:** "million." on line 1

**Strike:** remainder of line 1 through "MILLION." on line 4

3. Page 3, line 10.

**Strike:** "\$600"

**Insert:** "\$50"

4. Page 4, line 21.

**Insert:** "(7) The board is encouraged to consider applications for project financing related to infrastructure and facilities necessary for the development of the state-owned coal assets."

5. Page 4, line 22 through page 6, line 5.

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**Strike:** section 4 in its entirety  
**Renumber:** subsequent sections

6. Page 6, line 9.  
**Strike:** "THROUGH 4"  
**Insert:** "and 3"

7. Page 6, line 11.  
**Strike:** "5"  
**Insert:** "4"

For the Senate:

Johnson, Chairman  
Laible  
Pease

For the House:

Bitney, Chairman  
Mendenhall  
Small-Eastman

**MESSAGES FROM THE SENATE**

**HB 558** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 558**:  
4/23/2003

Senator Mahlum, Chair  
Senator Barkus  
Senator Shea

**SB 461** - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 461**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 461**:  
4/23/2003

Senator Story, Chair  
Senator DePratu  
Senator Stonington

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 5 - Governor's Amendments** - Representative Kasten moved Governor's amendments to **HB 5** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,

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Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 218 - Governor's Amendments** - Representative Bookout-Reinicke moved Governor's amendments to **HB 218** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 247 - Governor's Amendments** - Representative Harris moved Governor's amendments to **HB 247** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan,

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Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Barrett, D. Brown, Everett, Fuchs, Hawk, Jackson, Kasten, Mendenhall, Newman, Rice, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609 - Governor's Amendments** - Representative Windy Boy moved Governor's amendments to **HB 609** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 492** - Representative Hedges moved **SB 492** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

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Noes: Dickenson, Golie.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 29** - Representative Forrester moved **SJR 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Bitney, Everett, Hawk, Jackson, Jayne, Lake, Malcolm, Mendenhall, Morgan, Pattison, Sales, Sinrud, Steinbeisser, Waitschies, Weiss.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**SJR 32** - Representative Roberts moved **SJR 32** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Jayne, Malcolm, Sales, Shockley, Waitschies.  
Total 5

Excused: None.  
Total 0

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Absent or not voting: Bookout-Reinicke.  
Total 1

**SB 325 - Governor's Amendments** - Representative Noennig moved Governor's amendments to **SB 325** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, Callahan, Franklin, Galvin-Halcro, Kaufmann, Wilson.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**SB 408 - Governor's Amendments** - Representative Waitschies moved Governor's amendments to **SB 408** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Gallus, Newman, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**SB 429 - Governor's Amendments** - Representative Wagman moved Governor's amendments to **SB 429** be concurred in. Motion carried as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13 - Free Conference Committee Report No. 1** - Representative Lewis moved the Free Conference Committee report to **HB 13** be **not** adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Everett, Fuchs, Jackson, Kasten, Morgan, Rice, Sales, Sinrud.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 720 - Free Conference Committee Report No. 1** - Representative Hurwitz moved the Free Conference Committee report to **HB 720** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross,



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Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Becker, Bixby, Branae, Buzzas, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Raser, Small-Eastman, Weiss, Windy Boy.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 252 - Free Conference Committee Report No. 1** - Representative Sinrud moved the Free Conference Committee report to **SB 252** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 130 - Free Conference Committee Report No. 1** - Representative Peterson moved the Free Conference Committee report to **SB 130** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 74

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Noes: Balyeat, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Parker, Small-Eastman, Smith, Wanzenried, Weiss.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 304 - Conference Committee Report No. 1** - Representative Lewis moved the Conference Committee report to **SB 304** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Bixby, Carney, P. Clark, Cohenour, Dowell, Erickson, Forrester, Fritz, Gallik, Gutsche, Harris, Jacobson, Jent, Kaufmann, Laslovich, B. Olson, Small-Eastman, Smith, Wanzenried.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 326 - Free Conference Committee Report No. 1** - Representative Younkin moved the Free Conference Committee report to **SB 326** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, McKenney, Mendenhall, Musgrove, Newman, Parker, Raser, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

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Excused: None.  
Total 0

Absent or not voting: Noennig.  
Total 1

**SB 330 - Conference Committee Report No. 1** - Representative Bitney moved the Conference Committee report to **SB 330** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Callahan, Cohenour, Erickson, Everett, Franklin, Gallik, Gillan, Gutsche, Jacobson, Jayne, Kaufmann, Lewis, Lindeen, Sales, Weiss.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**SB 347 - Conference Committee Report No. 1** - Representative E. Clark moved the Conference Committee report to **SB 347** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: Buzzas.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 360 - Free Conference Committee Report No. 1** - Representative McKenney moved the Free Conference Committee report to **SB 360** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Ballantyne, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gutsche, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Raser, Small-Eastman, Smith, Weiss.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375 - Free Conference Committee Report No. 1** - Representative Barrett moved the Free Conference Committee report to **SB 375** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 97

Noes: P. Clark, Newman, Witt.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 395 - Conference Committee Report No. 1** - Representative Wagman moved the Conference Committee report

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to **SB 395** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Fritz, Fuchs, Gallus, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the

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following manner:

**SB 485** concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Facey, Franklin, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lindeen, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Wilson.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 490** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Callahan, Galvin-Halcro, Lawson, Lindeen, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on Senate Bill 271**

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Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 271** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 271** (reference copy -- salmon) be amended as follows:

1. Title, line 4.

**Strike:** "AUTHORIZING"

**Insert:** "REQUIRING THAT"

2. Title, line 11.

**Following:** "INDUSTRY;"

**Insert:** "INCREASING THE DEBT LIMIT UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT; AUTHORIZING A LOAN TO THE DEPARTMENT OF REVENUE FOR THE REPLACEMENT SYSTEM; REQUIRING THE DEPARTMENT OF REVENUE TO IMPOSE AN ADMINISTRATIVE CHARGE FOR TAX COLLECTION SERVICES; REQUIRING THE ADMINISTRATIVE CHARGE TO BE DEPOSITED IN AN ACCOUNT TO BE USED TO PAY THE DEBT SERVICE ON LOANS ISSUED FOR THE REPLACEMENT SYSTEM; APPROPRIATING MONEY FOR DEPARTMENT OF REVENUE'S TRANSITION COSTS AND FOR LOAN REPAYMENT;"

3. Title, line 12.

**Following:** "~~15-30-249~~,"

**Insert:** "15-1-501, 17-5-1608, 17-5-2001,"

4. Title, line 14.

**Strike:** "A CONTINGENT"

5. Title, line 15.

**Strike:** "DATE"

**Insert:** "DATES"

6. Page 1, line 21.

**Strike:** "MAY"

**Insert:** "shall"

7. Page 1, line 24.

**Strike:** "MAY"

**Insert:** "must"

8. Page 1, line 28.

**Strike:** "MAY"

**Insert:** "shall"

9. Page 5, line 19.

**Insert:** "**Section 2.** Section 15-1-501, MCA, is amended to read:

**"15-1-501. Disposition of money from certain designated license and other taxes.(1) The Except as**

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provided in subsection (5), the state treasurer shall deposit to the credit of the state general fund in accordance with the provisions of subsection (3) all money received from the collection of:

- (a) income taxes, interest, and penalties collected under chapter 30;
- (b) all taxes, interest, and penalties collected under chapter 31;
- (c) oil and natural gas production taxes distributed to the general fund under 15-36-324;
- (d) electrical energy producer's license taxes under chapter 51;
- (e) the retail telecommunications excise tax collected under Title 15, chapter 53, part 1;
- (f) liquor license taxes under Title 16;
- (g) fees from driver's licenses, motorcycle endorsements, and duplicate driver's licenses as provided in 61-5-121;
- (h) estate taxes under Title 72, chapter 16; and
- (i) fees based on the value of currency on deposit and tangible personal property held for safekeeping by a foreign capital depository as provided in 15-31-803.

(2) The department shall also deposit to the credit of the state general fund all money received from the collection of license taxes and all net revenue and receipts from all sources, other than certain fees, under the operation of the Montana Alcoholic Beverage Code.

(3) Notwithstanding any other provision of law, the distribution of tax revenue must be made according to the provisions of the law governing allocation of the tax that were in effect for the period in which the tax revenue was recorded for accounting purposes. Tax revenue must be recorded as prescribed by the department of administration, pursuant to 17-1-102(2) and (4), in accordance with generally accepted accounting principles.

(4) All refunds of taxes must be attributed to the funds in which the taxes are currently being recorded. All refunds of interest and penalties must be attributed to the funds in which the interest and penalties are currently being recorded.

(5) The administrative assessment provided for in [section 5] must be deposited in an account in the state special revenue fund to the credit of the department."

**Insert: "Section 3.** Section 17-5-1608, MCA, is amended to read:

**"17-5-1608. (Temporary) Limitations on amounts.** The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$120 million. (Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

**17-5-1608. (Effective July 1, 2011) Limitations on amounts.** The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, ~~(except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101),~~ to exceed ~~\$75~~ \$120 million.""

**Insert: "Section 4.** Section 17-5-2001, MCA, is amended to read:

**"17-5-2001. (Temporary) Loans to state agencies.** (1) An agency responsible for the procurement and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

- (a) the term of the indebtedness does not exceed the useful life of the items being financed; and
- (b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$4.5 million, payable over a term not to exceed 10 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.



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(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550. The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

(3) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$1,120,000, payable over a term not to exceed 7 years, for the acquisition of video gambling automated accounting and reporting system data collection units.

(b) The loan is payable from the department of justice's annual appropriation from the general fund.

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the department of justice's base budget appropriation from the general fund must be sufficient to repay the indebtedness with respect to the video gambling data collection units over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation.

(4) (a) If bonds are not issued for the project authorized in [section 1], the department of revenue is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$17 million, payable over a term not to exceed 7 years, for the acquisition of a replacement system for the process oriented integrated system (POINTS) computer system.

(b) The loan is payable from the department of revenue's appropriation from the administrative assessment provided for in [section 5].

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue from the administrative assessment provided for in [section 5] must be sufficient to repay the indebtedness with respect to the replacement system over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation.

(Terminates June 30, 2011--sec. 9, Ch. 394, L. 2001.)

**17-5-2001. (Effective July 1, 2011) Loans to state agencies.** An agency responsible for the procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(1) the term of the indebtedness does not exceed the useful life of the items being financed; and

(2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.""

**"NEW SECTION. Section 5. Administrative assessment.** The department shall establish a fee of up to 0.45% of selected taxes collected by the department in order to recover costs and expenses associated with the POINTS replacement system described in [section 1]. The fee must be set annually to provide revenue equal to the debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

(2) The department shall deposit the fee in an account in the state special revenue fund to the credit of the department.

(3) The department may adopt rules for identifying which taxes the administrative fee applies to and establishing the rate of the fee.

**Renumber:** subsequent sections

10. Page 13, line 16.

**Insert: "NEW SECTION. Section 11. Deposit of loan proceeds -- capital projects appropriation.** (1) The proceeds of any loan from the board of investments to the department of revenue for replacement of the POINTS computer system must be deposited in the capital projects fund.

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(2) There is appropriated from the capital projects fund to the department of administration up to \$17 million for the replacement system described in [section 1].

(3) The department of revenue and the department of administration are prohibited from using any of the proceeds from the loan for the replacement system authorized by [section 1] for agency current level operating expenses. Loan proceeds appropriated under this section may be expended for project administration and implementation, including software and required hardware, software licensing, and extraordinary personal and contracted services.

(4) The appropriation continues until June 30, 2005."

**"NEW SECTION. Section 12. Appropriation.** (1) There is appropriated from the general fund to the department of revenue \$2,391,385 for the biennium ending June 30, 2005. This appropriation is to provide for the replacement of POINTS and the transfer of responsibility for unemployment insurance collections to the department of labor and industry. The department of revenue may use the appropriated funds for expenses necessary to ensure the smooth transition of existing POINTS data and systems to the replacement systems, including expenses for training, personal and contracted services, data and software cleanup, clearing backlog, correcting and realigning tax and collection data, preparing and executing conversion strategies, maintaining currency, and converting historic data.

(2) There is appropriated \$1.9 million from the state special revenue account for administrative assessments provided for in [section 5] to the department of revenue for the biennium ending June 30, 2005, for the payment of debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

**Insert:** **"NEW SECTION. Section 13. Codification instruction.** [Sections 1 and 5] are intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [sections 1 and 5]."

**Renumber:** subsequent sections

11. Page 13, line 25.

**Strike:** **"SUBSECTION (2)"**

**Insert:** "subsections (2) and (3)"

12. Page 13, line 26.

**Strike:** **"4 THROUGH 6"**

**Insert:** "8 through 10"

13. Page 13, line 28.

**Insert:** "(3) [Sections 2, 5, and 12] are effective July 1, 2003."

14. Page 13, line 29.

**Strike:** **"3"**

**Insert:** "7"

15. Page 14, line 4.

**Insert:** **"NEW SECTION. Section 18. Termination.** [Sections 1, 4, and 5] terminate June 30, 2011."

For the Senate:

Glaser, Chairman  
Stapleton

For the House:

Brueggeman, Chairman  
Pattison  
Wanzenried

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**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 314**  
Report No. 1, April 23, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 314** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 314** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

**Strike:** "WHICH" on line 7 through "IS" on line 8

**Following:** "FUNDS"

**Insert:** "OR REMAINING TOBACCO SETTLEMENT PROCEEDS"

2. Title, line 9.

**Following:** line 8

**Insert:** "AND"

**Following:** "MCA"

**Strike:** remainder of line 9 through "DATE"

3. Page 1, line 14.

**Strike:** "To"

**Insert:** "Except as provided in subsection (5), to"

4. Page 1, line 16.

**Strike:** "18"

**Insert:** "17"

5. Page 2, line 3.

**Following:** "FUNDS"

**Insert:** "or tobacco settlement proceeds as provided in subsection (5)(c)"

6. Page 2, line 4.

**Following:** "IF"

**Insert:** "the child is 18 years of age or younger and"

7. Page 2, line 5.

**Strike:** "(1)(A) AND"

8. Page 2, line 8 through line 13.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) Tobacco settlement proceeds not otherwise appropriated from the two state special revenue accounts provided for in 17-6-606(2) and (3) are allocated to the program for use as matching funds for the purposes of subsection (5)(a) for the program for the biennium ending June 30, 2005."

9. Page 2, line 16.

**Strike:** section 2 in its entirety

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For the Senate:

Stapleton, Chairman  
Esp  
McCarthy

For the House:

E. Clark, Chairman  
B. Thomas

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 493**, introduced by Keenan (by request of the Senate Finance Standing Committee), referred to Appropriations.

Majority Leader Brown moved that the House recess until 3:20 p.m. for caucuses. Motion carried.

House recessed at 3:01 p.m.

House reconvened at 3:24 p.m. All members present. Quorum present.

**MOTIONS**

Representative Lehman moved to **suspend the rules** for the late transmittal of **HB 489** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Franklin, Gallus, Ryan, Wilson.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Haines, Jent, Kaufmann, Keane, Smith.  
Total 5

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 363** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove,

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Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 70

Noes: Balyeat, Bergren, Bixby, Buzzas, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Franklin, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kasten, Kaufmann, Newman, Raser, Ryan, Shockley, Small-Eastman, Smith, Weiss, Wilson.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 736** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 85

Noes: Ballantyne, Bergren, Buzzas, Callahan, Dickenson, Franklin, Gallus, Galvin-Halcro, Gillan, Golie, Lindeen, Parker, Ryan, Wilson.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Representative Younkin moved to **suspend the rules** for the late transmittal of **HB 206** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Facey, Fisher, Forrester, Fritz, Gallik, Gibson, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 76

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Noes: Balyeat, Bergren, Buzzas, Callahan, P. Clark, Dowell, Erickson, Everett, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Juneau, Lindeen, Raser, Ryan, Sales, Shockley, Wilson.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 42** and that it be placed on second reading Legislative Day 87. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Representative R. Brown moved to **suspend the rules** for the late transmittal of **HB 608** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ross, Schrumpf, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 75

Noes: Balyeat, E. Clark, Devlin, Everett, Fuchs, Gallus, Hawk, Jackson, Lewis, Malcolm, Mendenhall, Peterson, Ripley, Roberts, Rome, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt.  
Total 23

Excused: None.

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Total 0

Absent or not voting: Bookout-Reinicke, Keane.

Total 2

Representative R. Brown moved to **suspend the rules** for the purpose of a late committee hearing on **SB 421**. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, R. Brown, Brueggeman, Buzzas, E. Clark, Cohenour, Devlin, Everett, Facey, Fisher, Fuchs, Gallik, Haines, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, B. Olson, Peterson, Roberts, Rome, Schrumpf, Shockley, Smith, Stoker, Thomas, Wagman, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Andersen, Branae, D. Brown, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jayne, Jent, Kasten, Keane, Laslovich, Lenhart, Lindeen, Morgan, Newman, A. Olson, Parker, Pattison, Raser, Rice, Ripley, Ross, Ryan, Sales, Sinrud, Small-Eastman, Steinbeisser, Waitschies, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kasten moved to **suspend the rules** for the late transmittal of **HB 11** and that it be placed on second reading Legislative Day 87. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bergren, D. Brown, Gallus, Ryan, Sinrud.

Total 5

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

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Representative Wanzenried moved to **reconsider action** on **HJR 45** and that it be placed back on third reading Legislative Day 87. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 58

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Everett, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, April 24, 2003. Motion carried.

House adjourned at 3:38 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House



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58TH LEGISLATURE  
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 24, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Speaker Pro Tempore Laszloffy in the Chair. Invocation by Representative Ross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Pro Tempore Laszloffy recognized the Speaker who addressed Representative Wanzenried's inquiry about bills that had missed transmittal. The Speaker explained that SB 493 was not subject to transmittal but HB 483 had missed the transmittal and will need a motion to bring it back.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/24/2003

Correctly enrolled: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36..**

Examined by the sponsor and found to be correct: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36.**

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

**on House Bill 559**

Report No. 1, April 23, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 559** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 559** (reference copy -- salmon) be amended as follows:

1. Page 2, line 22.

**Strike:** "\$4"

**Insert:** "\$5"

2. Page 2, line 28.

**Strike:** "\$3"

**Insert:** "\$2.75"

3. Page 3, line 3.

**Strike:** "\$3"

**Insert:** "\$3.65"

4. Page 3, line 5.

**Strike:** "\$6"

**Insert:** "\$7.50"

5. Page 3, line 28.

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**Strike:** "FOR" through "YEAR" in their entirety

6. Page 4, line 2.

**Following:** "61-3-527"

**Insert:** ", 61-3-530,"

7. Page 6, line 3.

**Strike:** "canoe, kayak,"

**Strike:** ", rubber raft,"

8. Page 14, line 15.

**Strike:** "and" through "year"

9. Page 16, line 15.

**Following:** "and,"

**Insert:** "except as provided in subsection (2),"

10. Page 21, line 17 through line 18.

**Strike:** "EACH" on line 17 through "sequence." on line 18

11. Page 21, line 27.

**Insert:** "(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner must pay the fee in subsection (3)."

12. Page 30, line 23.

**Strike:** "\$19"

**Insert:** "\$17"

13. Page 31, line 4.

**Strike:** "\$24"

**Insert:** "\$22"

14. Page 32, line 13.

**Strike:** "(I)"

**Following:** "~~(6)(a)~~:"

**Insert:** "The following vehicles are not subject to the fee imposed in subsection (6)(a):"

15. Page 32, line 14.

**Following:** "~~(i)~~"

**Insert:** "(i)"

**Strike:** "TRAILERS"

**Insert:** "trailers"

16. Page 32, line 15.

**Strike:** "ARE" through "(6)(A)."

**Insert:** "; and"

17. Page 32, line 16.

**Strike:** "TRAVEL"

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**Insert:** "travel"

18. Page 32, line 17 through line 18.

**Strike:** "ARE" on line 17 through "OWNERSHIP" on line 18

19. Page 39, line 7.

**Following:** "disability."

**Insert:** "If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must attached to the registration document in the vehicle."

20. Page 45, line 30.

**Following:** "disability."

**Insert:** "If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must attached to the registration document in the vehicle."

21. Page 50, lines 28 and 29.

**Strike:** "OR TRAVEL TRAILER"

22. Page 54, line 13.

**Insert:** "(4) A person who permanently registers a trailer, pole trailer, or semitrailer as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this section from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."

23. Page 58, line 5 through line 11.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

24. Page 58, line 14 through line 15.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

25. Page 62, line 4.

**Strike:** "34"

**Insert:** "33"

26. Page 62, line 5.

**Strike:** "42"

**Insert:** "41"

For the House:

Brueggeman, Chairman  
Gallus  
Musgrove

For the Senate:

Glaser, Chairman  
Story

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**MESSAGES FROM THE SENATE**

**HB 424** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 424**:

4/23/2003

Senator Taylor, Chair  
Senator Perry  
Senator Toole

April 23, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 199** sponsored by Representative Harris, **House Bill 249** sponsored by Representative Barrett, **House Bill 315** sponsored by Representative Lawson, **House Bill 545** sponsored by Representative Haines, **House Bill 669** sponsored by Representative Younkin, **House Bill 677** sponsored by Representative Lindeen, and **House Bill 758** sponsored by Representative Devlin et al. on April 23, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 23, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Keenan and Speaker Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 406, **"AN ACT PROVIDING THAT A CORNER RECORD MAY BE FILED IN LIEU OF A CERTIFICATE OF SURVEY IN CERTAIN INSTANCES; REQUIRING THAT THE COUNTY CLERK PROVIDE AN INDEX; PROVIDING THAT PARCELS CREATED FOR RIGHTS-OF-WAY OR UTILITY SITES ARE EXEMPT FROM THE SUBDIVISION REVIEW PROCESS UNLESS THERE IS A SUBSEQUENT CHANGE IN LAND USE; PROVIDING GUIDANCE ON EXEMPTIONS THAT ARE CREATED TO PROVIDE SECURITY FOR MORTGAGES, LIENS, OR TRUST INDENTURES; AND**

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**AMENDING SECTIONS 70-22-105, 70-22-109, 76-3-201, AND 76-3-404, MCA**" for the following reasons.

Senate Bill No. 406 modifies what has become known as the "mortgage exemption." Under this exemption, subdivisions of land that are created by mortgages, liens, or trust indentures are not subject to review under the Subdivision and Platting Act or the Sanitation in Subdivisions Act. (For purposes of this letter, I will use the term "mortgage" to refer to mortgages, liens, and trust indentures.) Under current law, the mortgage exemption is applicable at the time the mortgage is created and creates the subdivided parcel.

Senate Bill No. 406, as initially introduced, provided in effect that the mortgage exemption would cease to exist if the subdivided parcel were transferred to a person other than the financial or lending institution that holds the mortgage or to the purchaser in a foreclosure. The effect of this language was to provide that, even though the creation of the parcel was not subject to review, the parcel would be reviewed at the time of transfer unless the transfer was made to satisfy the security interest. Thus, parcels created by a mortgage and transferred to satisfy the mortgage would never be subject to review.

Unfortunately, the limitation language described above was amended to provide that the mortgage exemption applies only if the property is conveyed to the financial or lending institution or the purchaser in foreclosure. Although the purpose of this amendment was to make the language more readable, the effect is to apply the exemption at the time of transfer of the parcel pursuant to the mortgage, not at the time of creation of the parcel by the mortgage. For this reason, under the amended language, the creation of parcel by mortgage would always trigger subdivision review, even if the parcel were later transferred to satisfy the mortgage. The mortgage exemption would therefore be ineffective.

My proposed amendments would ensure that parcels created by mortgage and transferred to satisfy the mortgage would not be subject to review. Please be advised that the Department of Environmental Quality concurs with this amendment. Further, please be advised that Senator McGee, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 406

1. Page 2, line 30.

**Strike:** ONLY"

**Following:** "not"

**Insert:** "not"

**Following:** "than"

**Insert:** "any entity other than"

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 8:32 a.m. All members present. Quorum present. Speaker Pro Tempore Laszloffy in the Chair.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 362 - Free Conference Committee Report No. 1** - Representative Shockley moved the Free Conference Committee report to **SB 362** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Bixby, Callahan, P. Clark, Cyr, Jayne, Keane, Lambert, Lawson, Musgrove, Newman, Ripley, Wanzenried.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 363 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 363** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Buzzas, P. Clark, Cyr, Gallik, Newman, Weiss.  
Total 6

Excused: None.  
Total 0

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Absent or not voting: Lambert, Wilson.  
Total 2

**HB 489 - Senate Amendments** - Representative Lehman moved Senate amendments to **HB 489** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Shockley, Wilson.  
Total 2

**HB 206 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 206** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Buzzas, Cyr, Dowell, Galvin-Halcro, Jayne, Juneau, Kasten, Raser, Wanzenried, Weiss.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Bitney, Sinrud.  
Total 2

**HB 736 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 736** be concurred in. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Bergren, Bixby, Buzzas, Dowell, Franklin, Gallus, Kaufmann, Laslovich, Lindeen, Weiss.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 336 - Conference Committee Report No. 1** - Representative Brueggeman moved the Conference Committee report to **SB 336** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: D. Brown, P. Clark, Devlin, Everett, Gutsche, Jayne, Kasten, Keane, Lake, Laslovich, Lawson, Maedje, Morgan, Newman, Pattison, Sales, Shockley, Wagman, Waitschies.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 349 - Conference Committee Report No. 1** - Representative Steinbeisser moved the Conference Committee report to **SB 349** be adopted. Motion **failed** as follows:

Ayes: Balyeat, Bitney, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Hurwitz, Kasten, Lake, Laszloffy, McKenney, Morgan, Pattison, Peterson, Ripley, Rome, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 29



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Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Ryan, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 70

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**SB 487 - Free Conference Committee Report No. 1** - Representative Bitney moved the Free Conference Committee report to **SB 487** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

**SB 271 - Free Conference Committee Report No. 1** - Representative Brueggeman moved the Free Conference Committee report to **SB 271** be adopted.

Representative B. Ryan moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 79

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Noes: Becker, Bixby, Branae, Buzzas, Cohenour, Dowell, Erickson, Franklin, Fritz, Gallik, Gibson, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Parker, Raser, Wanzenried, Wilson.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that the Free Conference Committee report to **SB 271** be adopted carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 11 - Senate Amendments** - Representative Kasten moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 608 - Senate Amendments** - Representative Windy Boy moved Senate amendments to **HB 608** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 85

Noes: Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Morgan, Peterson, Ripley, Shockley, Witt.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 559 - Free Conference Committee Report No. 1** - Representative Gallus moved the Free Conference Committee report to **HB 559** be adopted. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Fisher, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 68

Noes: Ballantyne, Balyeat, Barrett, Bixby, Callahan, Cohenour, Dickenson, Erickson, Everett, Facey, Franklin, Fuchs, Galvin-Halcro, Gillan, Golie, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Maedje, Raser, Rice, Rome, Sales, Sinrud, Small-Eastman, Smith, Waitschies.  
Total 30

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Wilson.  
Total 2

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted as

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follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 85

Noes: Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Morgan, Peterson, Ripley, Shockley, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Dowell, Harris, Sales, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 56, Conference Committee Report No. 1**, adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Jayne, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Franklin, Lawson.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 190, Free Conference Committee Report No. 1, adopted as follows:**

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 55

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Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 197, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Bitney, D. Brown, Everett, Jayne, Maedje, Pattison, Rice, Sales, Sinrud.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 201, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 211, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cyr, Devlin, Everett, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Haines, Harris, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Fisher, Franklin, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Musgrove, Ryan, Sales, Sinrud, Small-Eastman, Wanzenried, Wilson.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 218, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Fuchs.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 259, Conference Committee Report No. 1**, adopted as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Bixby, Carney, P. Clark, Dowell, Erickson, Fisher, Galvin-Halcro, Gillan, Gutsche, Jayne, Juneau, Kaufmann, Lawson, Wanzenried.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 277, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kaufmann, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 74

Noes: Balyeat, R. Brown, Buzzas, P. Clark, Cohenour, Cyr, Everett, Forrester, Franklin, Fuchs, Gillan, Jayne, Jent, Juneau, Kasten, Keane, Lange, Laszloffy, Lewis, Maedje, Musgrove, Newman, Sales, Sinrud, Weiss, Witt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 283, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.  
Total 76



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Noes: Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 298, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Franklin, Golie, Jayne, Juneau, Kasten, Laszloffy, Sales.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 403, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Everett, Hawk, Jackson, Kasten, Malcolm, Sales, Shockley, Sinrud.  
Total 9

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 509, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Fisher, Jayne, Laszloffy, Sales, Shockley, Sinrud.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 536, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 66

Noes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 564, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Barrett, Everett, Fisher, Hawk, Kasten, Pattison, Ripley, Sales, Shockley, Waitschies.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 93

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Noes: Balyeat, Becker, Bixby, Gallik, Jayne, Lawson, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 680, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: D. Brown, Jayne, Maedje, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 689, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 62

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lindeen, Newman, Parker, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 720, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 727, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Dickenson, Everett, Facey, Fisher, Fritz, Fuchs, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Ballantyne, Bergren, Bixby, Carney, Cohenour, Devlin, Dowell, Erickson, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jent, Kasten, Keane, Lambert, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Rice, Ryan, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 31, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 45** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Roberts, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.  
Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 47, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

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Noes: Dickenson, Dowell, Gallik, Golie, Harris, Juneau, Laszloffy, Sales, Shockley, Wilson.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 101, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, D. Brown, Everett, Franklin, Gallik, Jackson, Kaufmann, Pattison, Sales, Sinrud.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 126, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 130, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 67

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Newman, Parker, Rice, Ryan, Sales, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 252, Free Conference Committee Report No. 1**, not adopted as follows:

Ayes: Andersen, Barrett, D. Brown, Carney, E. Clark, Everett, Fisher, Forrester, Fuchs, Hurwitz, Jackson, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Windy Boy,



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Younkin.  
Total 37

Noes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Peterson, Raser, Ryan, Sales, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Witt, Mr. Speaker.  
Total 63

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 304, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Keane, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 75

Noes: Becker, Bixby, Buzzas, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Fritz, Gallik, Gutsche, Harris, Jacobson, Juneau, Kaufmann, Lake, Laslovich, Lawson, Lindeen, B. Olson, Rice, Shockley, Small-Eastman, Smith, Wanzenried.  
Total 25

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 325, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Ballantyne, Bixby, Buzzas, Callahan, P. Clark, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gutsche,

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Harris, Juneau, Kaufmann, Lindeen, Parker, Wanzenried.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 326, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Galvin-Halcro, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, McKenney, Mendenhall, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 330, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Schrumpf, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 73

Noes: Balyeat, Bergren, Cohenour, Erickson, Everett, Facey, Fisher, Franklin, Gallik, Gallus, Gillan, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laszloffy, Pattison, Roberts, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 347, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Buzzas.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 360, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 64

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk,

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Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Cyr, Fisher, Gillan, Jackson, Keane, Lambert, Laszloffy, Maedje, Newman, Rice, Ryan, Witt.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 395, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 62

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Parker, Raser, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 408, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

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Noes: Balyeat, Everett, Fuchs, Newman, Sales, Sinrud.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 415** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 66

Noes: Ballantyne, Bergren, Bixby, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Franklin, Gallus, Galvin-Halcro, Golie, Gutsche, Jackson, Jayne, Juneau, Kaufmann, Laslovich, Laszloffy, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Younkin.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 429, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 492** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Golie, Keane.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 29** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.

Total 75

Noes: Bitney, D. Brown, Everett, Fisher, Hawk, Hedges, Jackson, Jayne, Kasten, Lake, Lange, Laszloffy, Maedje, Malcolm, Mendenhall, Pattison, Ripley, Sales, Schruppf, Sinrud, Steinbeisser, Waitschies, Weiss, Witt, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 32** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau,

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Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Windy Boy, Younkin, Mr. Speaker.

Total 86

Noes: Bergren, Buzzas, P. Clark, Erickson, Franklin, Gallus, Galvin-Halcro, Gutsche, Jayne, Malcolm, Waitschies, Weiss, Wilson, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 363**. Motion carried.

The Speaker appointed the following members:

Representative R. Brown, Chair

Representative Sales

Representative Gillan

Representative R. Brown moved to **suspend the rules** to place **SB 483** on second reading Legislative Day 88.

Motion (requiring 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Smith, Weiss, Wilson.

Total 36

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

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Representative A. Olson moved that the Speaker dissolve the conference committee and reappoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 304**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair  
Representative Rice  
Representative Ryan

Representative R. Brown moved to **reconsider action** on **SB 483**. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 69

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Juneau, Keane, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Weiss, Wilson.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative R. Brown moved to **suspend the rules** for the late transmittal of **SB 483** and that it be referred to the Committee on Appropriations. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 68

Noes: Ballantyne, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Keane, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Weiss, Wilson.  
Total 32

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

The following cosponsor was removed from **SB 271**: Wanzenried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Friday, April 25, 2003. Motion carried.

House adjourned at 11:10 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 25, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sales. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-ninth, eightieth, eighty-first, eighty-second, and eighty-third legislative days, find the same to be correct.  
Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/25/2003

Correctly printed: **HB 483, HB 493.**

Correctly enrolled: **HB 42, HB 56, HB 90, HB 190, HB 197, HB 201, HB 206, HB 211, HB 259, HB 261, HB 277, HB 283, HB 298, HB 403, HB 489, HB 509, HB 536, HB 539, HB 564, HB 608, HB 642, HB 680, HB 689, HB 720, HB 722, HB 727, HB 736, HB 767, HJR 2, HJR 31.**

Examined by the sponsor and found to be correct: **HB 42, HB 56, HB 90, HB 190, HB 197, HB 201, HB 206, HB 211, HB 259, HB 261, HB 277, HB 283, HB 298, HB 403, HB 489, HB 539, HB 564, HB 608, HB 642, HB 680, HB 689, HB 720, HB 727, HB 736, HJR 2, HJR 31, HJR 37.**

Signed by the Speaker at 9:35 a.m., April 24, 2003: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36.**

Signed by the Speaker at 12:35 p.m., April 24, 2003: **HB 190.**

Signed by the Speaker at 10:35 a.m., April 25, 2003: **HB 261, HB 539, HJR 2.**

Signed by the Speaker at 2:25 p.m., April 25, 2003: **HB 42.**

Delivered to the Governor for approval at 10:15 a.m., April 24, 2003: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767.**

Delivered to the Governor for approval at 2:10 p.m., April 24, 2003: **HB 190.**

Delivered to the Governor for approval at 11:22 a.m., April 25, 2003: **HB 261, HB 539.**

Delivered to the Governor for approval at 2:37 p.m., April 25, 2003: **HB 42.**

Delivered to the Secretary of State at 10:30 a.m., April 24, 2003: **HJR 36.**

Delivered to the Secretary of State at 11:30 a.m., April 25, 2003: **HJR 2.**

**APPROPRIATIONS** (Lewis, Chairman): 4/24/2003

**SB 483**, be concurred in. Report adopted.

**SB 493**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 107**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 107** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 107** (reference copy -- salmon) be amended as follows:

1. Page 4, line 20 through line 21.

**Strike:** subsection (8) in its entirety

**Renumber:** subsequent subsection

2. Page 4, line 30 through page 5, line 1.

**Strike:** section 6 in its entirety

**Renumber:** subsequent section

For the House:

A. Olson, Chairman  
Galvin-Halcro  
Lehman

For the Senate:

Glaser, Chairman  
Black  
Elliott

**FREE CONFERENCE COMMITTEE**  
on House Amendments to **Senate Bill 461**  
Report No. 1, April 24, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 461** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 461** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.

**Following:** "BRACKETS;"

**Insert:** "PROVIDING RATE ADJUSTMENTS TO CLASS FOUR PROPERTY TAX RATES FOR CERTAIN RESIDENCES WITH EXTRAORDINARY INCREASES IN MARKET VALUE;"

**Following:** "FOUR"

**Strike:** "AND CLASS ELEVEN"

2. Title, page 1, line 18.

**Strike:** "ADJUSTS"

**Insert:** "ADJUST"

3. Title, page 1, line 23.

**Strike:** "AN IMMEDIATE"

**Strike:** "DATE AND A RETROACTIVE"

**Insert:** "DATES,"

4. Title, page 1, line 24.

**Strike:** "DATE"

**Insert:** "DATES, AND A TERMINATION DATE"

5. Page 9, line 28.

**Insert:** "NEW SECTION. Section 1. Extended property tax assistance -- phasein.(1) For the purpose of mitigating extraordinary market value increases during the revaluation cycle that ended December 31, 2002, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31, 2002, unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31, 2002, that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31, 2002, that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply:

(a) The change in taxable value before reappraisal is the 2002 tax year value adjusted for any new construction or destruction that occurred in the 2002 tax year. The taxable value before reappraisal for the 2003 tax year and subsequent years is the same as the 2002 tax year value if no new construction, destruction, land splits, land use changes, land reclassifications, land productivity changes, improvement grade changes, or other changes are made to the property during 2002 or subsequent tax years.

(b) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346. The taxable value after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301.

(c) The dollar increase in tax liability is measured as the change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346 times the tax year 2002 mill levy applied to the property. The tax liability after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301 times the tax year 2002 mill levy applied to the property. The tax year 2002 mill levy is the total of all mills applied to the property for fiscal year 2003.

(d) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(e) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03598 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03759 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.03932 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04109 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04289 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04485 times the value before reappraisal divided by the 2008 phase-in value.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03633 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03828 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04038 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04251 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04467 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04702 times the value before reappraisal divided by the 2008 phase-in value.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 36%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03668 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03898 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04143 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04392 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04646 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04919 times the value before reappraisal divided by the 2008 phase-in value.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person."

**Insert: "NEW SECTION. Section 2. Extended property tax assistance -- phasein.** (1) For the purpose of mitigating extraordinary market value increases during revaluation cycles that begin after December 31, 2008, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31 of the last year of the previous revaluation cycle, unless the change in ownership is between husband and wife or parent and child with

only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31 of the last year of the previous revaluation cycle that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31 of the last year of the previous revaluation cycle that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply for revaluation cycles beginning after December 31, 2008:

(a) (i) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal. The taxable value after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal.

(ii) The tax rate before reappraisal is the tax rate that was in effect during the last year of the previous reappraisal cycle.

(iii) The tax rate after reappraisal is the tax rate that will be in effect during the last year of the current reappraisal cycle.

(iv) The homestead exemption before reappraisal is the homestead exemption that was in effect during the last year of the previous reappraisal cycle.

(v) The homestead exemption after reappraisal is the homestead exemption that will be in effect during the last year of the current reappraisal cycle.

(b) The dollar increase in tax liability is measured as the percentage change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal times the mill levy applied to the property before reappraisal. The tax liability after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal times the mill levy applied to the property before reappraisal. The mill levy applied to property before reappraisal is the total of all mills applied to the property in the last year of the previous reappraisal cycle.

(c) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(d) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 24% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 30% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate will be calculated such that the total increase in taxable value over the reappraisal cycle is 36% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person."

**Renumber:** subsequent sections

6. Page 36.

**Following:** line 21

**Insert:** "(7) The members of the committees created in this section must be appointed by July 1, 2003."

7. Page 36, line 23.

**Strike:** "5"

**Insert:** "7"

8. Page 36, line 29.

**Strike:** "5"

**Insert:** "7"

9. Page 37, line 9.

**Insert:** "NEW SECTION. Section 9. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply to [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 126 and [this act] are both passed and approved, then the amendments contained in 15-6-201(1)(z) and (1)(aa) in [section 2 of Senate Bill No. 126] are void."

**Insert:** "NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

10. Page 37, line 10.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsections (2) and (3), [this act]"

11. Page 37.

**Following:** line 10

**Insert:** "(2) [Section 8] is effective July 1, 2003.

(3) [Section 2] is effective January 1, 2009."

12. Page 37, line 12.

**Strike:** "Retroactive applicability"

**Insert:** "Applicability"

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[This act] applies"

**Insert:** "[Sections 1 and 3 through 5] apply"

13. Page 37, line 14.

**Insert:** "(2) [Section 2] applies to tax years beginning after December 31, 2008."

**Insert:** "NEW SECTION. **Section 14. Termination.** [Section 1] terminates December 31, 2008."

For the Senate:

Story, Chairman  
Stonington

For the House:

Devlin, Chairman  
Forrester  
Lake

### MESSAGES FROM THE SENATE

April 24, 2003

Marilyn Miller, Chief Clerk  
House of Representatives

I am directed by the Senate to inform the House that Senate, by motion duly passed on Thursday April 24, requests the return of House Bill 42 by Debby Barrett, "TO REQUIRE WILDLIFE MANAGEMENT IN A SUSTAINABLE MANNER" for further consideration.

Because of the shortness of time left in the session, we ask that you give this matter your highest priority.

Sincerely,

Rosana Skelton  
Secretary of the Senate

**SB 46** - The Senate, on motion duly carried, overrode the Governor's veto on **SB 46** by a vote of 34-15, and request the House to do likewise.

4/24/2003

**HB 363** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 363**:

4/24/2003

Senator Barkus, Chair  
Senator Cocchiarella  
Senator F. Thomas

**HB 304** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 304**:

4/24/2003

Senator Johnson, Chair  
Senator Bales  
Senator Tropila

April 24, 2003

The Honorable Doug Mood



Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 7** sponsored by Representative Witt, **House Bill 159** sponsored by Representative Haines, **House Bill 190** sponsored by Representative Younkin, **House Bill 517** sponsored by Representative Wilson, **House Bill 538** sponsored by Representative Rome, and **House Bill 734** sponsored by Representative Lawson on April 24, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 24, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: House Bill No. 701***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill No. 701, "AN ACT REVISING PROVISIONS OF THE JUDICIAL BRANCH PERSONNEL PLAN TO EXCLUDE PERSONAL STAFF OF A JUSTICE, JUDGE, AND THE CLERK OF THE SUPREME COURT; PROVIDING THAT A JUSTICE, JUDGE, OR THE CLERK OF THE SUPREME COURT MAY APPOINT UP TO THREE PERSONAL STAFF MEMBERS; AMENDING SECTIONS 3-1-130 AND 3-2-501, MCA; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

**House Bill No. 701 has significant long-term fiscal impacts.** This bill's fiscal impact cannot be determined, but likely will be significant. House Bill No. 701 would allow hiring authorities--all District Court judges, Supreme Court justices, and the Clerk of the Supreme Court--to set the salary for up to 3 employees each at any level within the salary range for the employees' position classification, including the maximum salary available. Currently, most of the potentially affected employee positions are not at or near the maximum salary available for the position classification--this bill clearly gives very broad discretion to significantly increase the personal services portion of the Judicial Branch's budget. The Judicial Branch is unable to predict the salary increases that might result from this legislation. At my request, however, the Judicial Branch provided the salary ranges for the potentially affected positions. The narrowest of the ranges is approximately \$14,000, and the broadest range is approximately \$23,000. This legislation would permit each hiring authority to move up to 3 employees to the maximum salary for their position.

**House Bill No. 701 strips employee rights.** House Bill No. 701 would remove up to 150 Judicial Branch employees from the current Judicial Branch personnel policies. This could result in approximately 44 percent of court employees

being deprived of the usual employee rights to progressive discipline, termination only with cause, and, ultimately, wrongful discharge recourse. This is not acceptable. The Legislative Branch, which is like the Judicial Branch in having many elected officials across the state, has only 2 employees (1.7%) who are totally exempt from all employment rights.

By way of background, Section 59, Ch. 585, L. 2001, provides that all but 2 non-elected Judicial Branch employees, including district court employees, become subject to the overall judicial plan of personnel administration adopted by the Supreme Court as required by [section 1] [3-1-130]. The plan must include, but is not limited to, classification and pay, recruitment and selection, performance appraisal, training and promotion. In compliance with Section 3-1-130, MCA, the Supreme Court adopted a classification and compensation plan, and separately adopted personnel policies. It is these two pieces that make-up the overall judicial personnel plan.

Clearly, House Bill No. 701 impacts on both areas, as discussed briefly above. The fiscal impact will be substantial and Judicial Branch employee rights, some of which existed before state assumption when the employees were county employees, will be overturned. Neither aspect of the bill is acceptable to me.

For these reasons, I veto House Bill No. 701.

Sincerely,

JUDY MARTZ  
Governor

April 23, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 46***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 46, "AN ACT REMOVING THE REQUIREMENT THAT A COUNTY MUST ENTER INTO A CONTRACT FOR CERTAIN LARGE PURCHASES OR CONSTRUCTION CONTRACTS; AMENDING SECTION 7-5-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

I have no concerns with the objectives of Senate Bill No. 46, or with its specific measures. I recommend, however, that Section 7-5-2301, MCA, be amended to include an additional provision: (4) A person who wishes to challenge a county's determination to perform work or purchase the items referred to in subsection (1) without entering into a contract may request the financial information relied upon by the county in making the decision.

I have enclosed my amendment to that effect. Please be advised that Senator Gebhardt, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 46

1. Page 1, line 19.

**Insert:** "(4) A person who wishes to challenge a county's determination to perform work or purchase the items referred to in subsection (1) without entering into a contract may request the financial information relied upon by the county in making the decision."

April 24, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

***Re: Senate Bill 473***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 473, "A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PRESCRIPTION DRUG EXPANSION PROGRAM UNDER MEDICAID; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO IMPLEMENT THE PRESCRIPTION DRUG EXPANSION PROGRAM UNDER MEDICAID; PROVIDING AN ANNUAL ~~ENROLLMENT~~ APPLICATION FEE FOR THE PROGRAM; AUTHORIZING A LOAN FROM THE BOARD OF INVESTMENTS FOR THE STARTUP COST OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 473, or with its specific measures. I recommend, however, that Section 2 (4) regarding prescription drug Expansion program rules be amended to read that the rules may be based upon rules adopted in *other states* to administer similar *programs*.

Further, I recommend that additional language be included in Section 4; and, I recommend that a termination date be included as new Section 13.

I have enclosed my amendments to that effect. Please be advised that Senator Elliott, the sponsor of the bill, has been informed of my recommendation and has no objection.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 473

1. Title, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 3, line 3.

**Strike:** "MAINE"

**Insert:** "other states"

**Strike:** "a"

**Strike:** "program"

**Insert:** "programs"

3. Page 4, line 1.

**Following:** "program."

**Insert:** "(1)"

4. Page 4, line 6.

**Following:** line 5

**Insert:** "(2) Information disclosed by manufacturers during negotiations and all terms and conditions negotiated between the director and manufacturers and all information requested or required under the program must be kept confidential, except as the department determines is necessary to carry out the program. The department shall comply with the budget neutrality provisions required by the United States department of health and human services for the granting of any waivers.

(3) The department may not use access restrictions, supplemental rebates, or a preferred drug list to comply with the budget neutrality provisions when negotiating with the federal government for this waiver. These restrictions do not apply to other components of the medicaid or mental health services plan or drugs provided in those programs. These restrictions apply only to the prescription drug expansion program provided for in [section 2]."

5. Page 5, line 7.

**Insert:** "NEW SECTION. **Section 13. {standard} Termination.** [Section 4(3)] terminates June 30, 2005."

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 11, as amended by the Senate,** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy

Boy, Witt, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 206, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Bergren, P. Clark, Dowell, Franklin, Galvin-Halcro, Gillan, Golie, Jayne, Juneau, Morgan, Raser, Rice, Wanzenried, Weiss, Wilson.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 489, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Maedje.

Total 1

**HB 559, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Dowell, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Ross, Ryan, Schrumpf, Shockley, Thomas, Wagman, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Ballantyne, Barrett, Bixby, Branae, Callahan, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hedges, Hurwitz, Jackson, Jayne, Kaufmann, Laslovich, Lawson, Raser, Rice, Rome, Sales, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Waitschies, Wanzenried, Wilson.

Total 36

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**HB 608, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Peterson, Ripley, Sales, Shockley, Steinbeisser, Witt.

Total 16

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**HB 736, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake,

Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Franklin, Golie, Keane, Sales, Weiss.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 271, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 336, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Balyeat, D. Brown, Devlin, Everett, Fuchs, Gallus, Gutsche, Harris, Jackson, Jayne, Kasten, Keane, Laslovich, Laszloffy, Lawson, Newman, Pattison, Sales, Wagman, Waitschies.  
Total 20

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**SB 362, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 83

Noes: Bergren, Bixby, Callahan, P. Clark, Cyr, Gallus, Jayne, Keane, Lambert, Musgrove, Newman, Rice, Ripley, Smith, Wanzenried, Witt.

Total 16

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**SB 487, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Becker, Bergren, Lindeen, Sales, Shockley, Sinrud.

Total 7

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**MOTIONS**

Representative R. Brown moved that the House accede to the request of the Senate and return **HB 42** back to the Senate.



Minority Leader Wanzenried asked for a ruling from the Chair if this motion requires a 2/3 vote.

The Speaker ruled the motion required a majority vote.

Minority Leader Wanzenried questioned the ruling of the Chair.

The Speaker called for a meeting of the Rules Committee.

The Rules Committee upheld the ruling of the Chair.

Representative Golie moved to table previous motion. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

The motion to accede to the request of the Senate to return **HB 42** carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Excused: None.  
Total 0

Absent or not voting: Maedje, Matthews.  
Total 2

Majority Leader Brown moved that the House recess until 10:00 a.m. for caucuses. Motion carried.

House recessed at 8:45 a.m.

House reconvened at 10:02 a.m. All members present. Quorum present.

## **REPORTS OF SELECT COMMITTEES**

### **CONFERENCE COMMITTEE on Senate Amendments to **House Bill 558** Report No. 1, April 24, 2003**

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 558** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 558** (reference copy -- salmon) be amended as follows:

1. Page 2, line 15.

**Strike:** "\$16"

**Insert:** "\$15"

2. Page 3, line 1.

**Strike:** "\$1.50"

**Insert:** "50 cents"

3. Page 3, line 18.

**Strike:** "\$16"

**Insert:** "\$15"

4. Page 4, line 5.

**Strike:** "\$1.50"

**Insert:** "50 cents"

For the House:

D. Brown, Chairman  
Keane  
Maedje

For the Senate:

Barkus, Shea, Chairman

## **MESSAGES FROM THE SENATE**

**House joint resolution** concurred in and returned to the House:

4/25/2003

**HJR 37**, introduced by Noennig

**Senate bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/25/2003

**SB 407**, introduced by DePratu

**SB 490**, introduced by Grimes

**Senate joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/25/2003

**SJR 17**, introduced by Tester

**Governor's amendments to House bill** concurred in and returned to the House: 4/25/2003

**HB 247**, introduced by Harris

Conference Committee Report No.1 adopted: 4/25/2003

**SB 336**, introduced by Mahlum

**Free** Conference Committee Report No.1 adopted: 4/25/2003

**HB 559**, introduced by Gallus

**SB 271**, introduced by Stapleton

**SB 487**, introduced by Pease

### MESSAGES FROM THE GOVERNOR

April 24, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 12** sponsored by Representative Kasten, **House Bill 577** sponsored by Representative Brueggeman, and **House Bill 741** sponsored by Representative Lindeen et al. on April 24, 2003.

Sincerely,

JUDY MARTZ  
Governor

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 314** - Representative E. Clark moved consideration of **SB 314** be postponed until April 30, 2003. Motion carried.

**SB 483** - Representative R. Brown moved consideration of **SB 483** be placed below SB 270 on the second reading board. Motion carried.

**SB 493** - Representative Brueggeman moved **SB 493** be concurred in.

**SB 493** - Representative Jayne moved **SB 493**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING APPROPRIATIONS;"

2. Page 1, line 24.

**Following:** "transfer"

**Insert:** " -- appropriation

**Following:** "transfer."

**Insert:** "(1)"

3. Page 1, lines 25 and 26.

**Following:** "2003." on line 25

**Strike:** the remainder of line 25 through line 26 in its entirety

**Insert:** "(2) The following amounts of general fund money are appropriated to the department of public health and human services:

(a) \$500,000 in fiscal year 2005 for part C services for developmentally disabled children;

(b) \$257,000 in fiscal year 2004 and \$257,000 in fiscal year 2005 for aging services meals on wheels programs; and

(c) \$2,686,000 over the biennium beginning July 1, 2003, for medicaid services for persons eligible under the medically needy category of medicaid eligibility."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 493** be concurred in **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Schruppf, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 45

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Morgan, Musgrove, Newman, Parker, Raser, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 107 - Conference Committee Report No. 1** - Representative A. Olson moved the Conference Committee report to **HB 107** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Bixby, Buzzas, Everett, Hawk, Juneau, Morgan, Rice, Sales, Sinrud, Wanzenried.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 701 - Governor's Veto** - Representative Newman moved consideration of **HB 701** be placed at the bottom of the second reading board. Motion carried.

**SB 483** - Representative Lewis moved **SB 483** be concurred in.

Representative Buzzas moved **SB 483**, second reading copy, be amended as follows:

1. Title, line 11 through line 12.

**Following:** "BIENNIUM;" on line 11

**Strike:** remainder of line 11 through "DEFICIT";" on line 12

2. Title, line 12.

**Following:** "~~17-7-111~~;"

**Insert:** "AND"

3. Title, line 12 through line 13.

**Following:** "17-7-131," on line 12

**Strike:** remainder of line 12 through "17-7-140," on line 13

4. Page 8, line 16 through page 10, line 10.

**Strike:** section 4 in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 483** be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 270 - Governor's Amendments** - Representative Galvin-Halcro moved Governor's amendments to **SB 270** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Barrett, Everett, Fuchs, Laszloffy, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Erickson, Fritz, Jent.  
Total 3

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted.

Representative Brueggeman made a **substitute motion** that **SB 493** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

## MESSAGES FROM THE GOVERNOR

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol

Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: Senate Bill No. 484***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 484, " AN ACT AUTHORIZING MUNICIPALITIES, CONSOLIDATED LOCAL GOVERNMENTS, AND COUNTIES TO CREATE EMPOWERMENT ZONES TO ENCOURAGE THE CREATION OF JOBS WITHIN THE ZONES; AND ALLOWING A TAX CREDIT AGAINST INDIVIDUAL INCOME TAXES, CORPORATION INCOME OR LICENSE TAXES, OR INSURANCE PREMIUM TAXES FOR QUALIFYING 3-YEAR JOBS CREATED IN AN EMPOWERMENT ZONE," without my signature and recommend the attached amendments.

I have no concerns with the objectives of Senate Bill No. 484 but the legislation in its current form could lead to inconsistent criteria being used to establish empowerment zones around the state. Without several changes the law would also potentially allow empowerment zones to be established, with resulting tax credits applied, that would not be within the spirit of this legislation, which is to assist economically disadvantaged areas. Accordingly, I recommend that:

In Section 3, an additional subsection (4) be inserted, that reads each governing body may create a maximum of one empowerment zone, either wholly or partially within its limits, in any seven year period. This amendment will require each governing body to carefully consider where best to establish an empowerment zone and will also help ensure we only establish empowerment zones for our most needy areas.

In Section 4 (3) additional language be inserted to restrict empowerment zones to area that have a population of at least 1,000 people. Without a minimum population requirement, empowerment zones could be established in areas where they are used more for tax avoidance than for helping our disadvantaged citizens. It is also extremely difficult to find meaningful economic data in an area with very few people. As currently written, for example, it could be possible to establish an empowerment zone in an area with two resident citizens, one of whom is unemployed, in an otherwise prosperous area.

Further, I recommend that an additional subsection (4) be included in Section 4 that requires a governing body to gather the necessary data for an area where the state or federal government does not have the required data. For example, the state generally maintains county-level data for unemployment. Should a governing body wish to create an empowerment zone in an area other than a whole county or Metropolitan Statistical Area (MSA) the governing body should be responsible for collecting the necessary information to qualify that area as an empowerment zone.

Finally, I recommend that a new Section 9 be inserted to authorize the Department to adopt rules in the implementation of this act. Many of the terms and criteria that are used in this legislation to define and qualify an empowerment zone could be interpreted in multiple ways. Rule making authority is necessary to ensure consistent application of the law and to ensure clear criteria are available to each governing body.

I have enclosed amendments to address each of these issues. Please be advised that the Department of Labor and Industry concurs with my amendments. Further, please be advised that Senator Mangan, the sponsor of the bill, also concurs.



Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 484

1. Title, line 6.

**Strike:** "AND"

2. Title, line 8.

**Following:** "ZONE"

**Insert:** "; AND AUTHORIZING THE DEPARTMENT TO ADOPT RULES"

3. Page 2, line 12.

**Insert:** "(4) Each governing body may create a maximum of one empowerment zone, either wholly or partially within its limits, in any 7-year period."

4. Page 2, line 21.

**Following:** "identity and"

**Insert:** "the empowerment zone must include an area in which there is an annual average population of at least 1,000 residents. Boundaries"

**Strike:** "use"

**Insert:** "be based on"

5. Page 2, line 24.

**Insert:** "(4) The governing body has the burden of establishing that the proposed empowerment zone meets the requirements of this section."

6. Page 7, line 10.

**Insert:** "NEW SECTION. **Section 9. Rulemaking authority.** The department may adopt rules to implement [sections 1 through 5]."

**Renumber:** subsequent section

7. Page 7, line 11.

**Following:** "5"

**Insert:** "and 9"

8. Page 7, line 13.

**Following:** "5"

**Insert:** "and 9"

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 247**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chair  
Representative Lange

Representative Harris

Representative Devlin moved the House override the Governor's veto on **SB 46**.

The House, after referring to the rules and the constitution, agreed that only those "present and voting" may be counted to override a Governor's veto.

Motion to override the Governor's veto on **SB 46** carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 73

Noes: Balyeat, Bitney, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Haines, Hawk, Laslovich, Laszloffy, Lewis, Matthews, McKenney, Mendenhall, Morgan, Pattison, Rome, Sales, Schrumpf, Shockley, Sinrud, Stoker, Wagman, Younkin, Mr. Speaker.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Majority Leader Brown moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 11:34 a.m.

House reconvened at 1:32 p.m.

#### **MESSAGES FROM THE SENATE**

**House bill not** concurred in and returned to the House:

4/25/2003

**HB 19**, introduced by Kasten

Majority Leader Brown moved that the House recess until 1:50 p.m. for caucuses. Motion carried.

House recessed at 1:33 p.m.

House reconvened at 1:56 p.m. All members present. Quorum present.

#### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 381 - Governor's Amendments** - Representative Fisher moved Governor's amendments to **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Cohenour, Gallik, Weiss.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Smith.  
Total 1

**SB 381 - Governor's Amendments** - Representative Forrester moved Governor's amendments to **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Bergren, Cohenour, Franklin, Gallik, Jayne, Kaufmann, Ryan, Wilson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

**SB 406 - Governor's Amendments** - Representative Noennig moved Governor's amendments to **SB 406** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson,

Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Erickson, Fuchs, Wanzenried, Weiss.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 558 - Conference Committee Report No. 1** - Representative D. Brown moved the Conference Committee report to **HB 558** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.  
Total 89

Noes: Bixby, Buzzas, Callahan, Dowell, Erickson, Jayne, Juneau, Lindeen, Weiss.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Maedje, Mr. Speaker.  
Total 2

**SB 461 - Free Conference Committee Report No. 1** - Representative Devlin moved the Free Conference Committee report to **SB 461** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gillan, Gutsche, Haines, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 62

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, R. Brown, Buzzas, Cohenour, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Harris, Hawk, Hedges, Jacobson, Jayne, Juneau, Keane, Lange, Laszloffy, Lindeen,

Mendenhall, Noennig, Parker, Raser, Rice, Ryan, Sales, Shockley, Small-Eastman, Smith, Waitschies, Wilson,  
Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 473 - Governor's Amendments** - Representative Roberts moved Governor's amendments to **SB 473** be  
concurrent in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.  
Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson,  
Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,  
Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten,  
Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen,  
Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker,  
Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud,  
Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy  
Boy, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried.  
Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole  
report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown,  
Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher,  
Fuchs, Gallik, Galvin-Halcro, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann,  
Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,  
Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice,  
Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas,  
Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Bergren, Cohenour, Erickson, Franklin, Gillan, Golie, Jayne, Juneau, Keane, Mendenhall, Parker, Ryan,  
Smith, Wanzenried, Weiss, Wilson.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Bixby, Forrester, Fritz, Gallus, Gibson, Gutsche, Jent.  
Total 7

## REPORTS OF SELECT COMMITTEES

### FREE CONFERENCE COMMITTEE on **House Bill 247** Report No. 1, April 25, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 247** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 247** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

**Following:** "VAGRANCY;"

**Insert:** "CLARIFYING THAT VAGRANCY DOES NOT INCLUDE AGGRESSIVE SOLICITATION THAT IS INCLUDED IN THE OFFENSE OF DISORDERLY CONDUCT;"

2. Page 2, line 15.

**Following:** "(14)"

**Insert:** "subject to 7-32-4304,"

3. Page 3, line 14.

**Following:** "conduct"

**Insert:** "and aggressive solicitation, as defined by ordinance, that is included in the offense of disorderly conduct"

For the House:

Noennig, Chairman  
Harris  
Lange

For the Senate:

Grimes, Chairman  
Mangan

## MESSAGES FROM THE SENATE

**House bill** concurred in as amended and returned to the House in form originally received from the House for concurrence in Senate amendments:

4/25/2003

**HB 42**, introduced by Barrett

**HB 247** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 247**:

4/25/2003

Senator Grimes, Chair  
Senator Mangan  
Senator McGee

**Free** Conference Committee Report No.1 **not** adopted:

4/25/2003

**HB 13**, introduced by Lewis

## MESSAGES FROM THE GOVERNOR

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 4** sponsored by Representative Brueggeman, **House Bill 10** sponsored by Representative Maedje, **House Bill 18** sponsored by Representative Shockley, **House Bill 588** sponsored by Representative Matthews, and **House Bill 735** sponsored by Representative Fisher on April 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 744, **"AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SEEK FEDERAL FUNDS TO OFFSET GENERAL FUND EXPENDITURES TO THE MAXIMUM EXTENT POSSIBLE; DIRECTING THE DEPARTMENT TO EVALUATE THE PROPOSED MEDICAID BLOCK GRANT AS PART OF REFINANCING ACTIVITIES AND REPORT FINDINGS AT EACH REGULAR MEETING OF THE LEGISLATIVE FINANCE COMMITTEE; DIRECTING THAT THE GOVERNOR MAY NOT OPT TO ACCEPT A MEDICAID BLOCK GRANT WITHOUT LEGISLATIVE CONSENT IF THE DECISION TO ACCEPT THE GRANT CAN BE DELAYED UNTIL THE NEXT REGULAR SESSION OF THE LEGISLATURE; PROVIDING FOR THE USE OF FUNDING OBTAINED PURSUANT TO THE DIRECTIVE; AUTHORIZING THE DEPARTMENT TO REINSTATE SERVICES IF AUTHORIZED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING; AMENDING SECTIONS 17-2-108 AND 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

House Bill No. 744, Section 2 (4) violates the Doctrine of Separation of Powers. I have no concerns with the objectives of House Bill No. 744, or with its specific measures. Specifically, in regard to the evaluation of proposed Medicaid block grant and the acceptance of said grant, I will consider the recommendation of the legislative finance

committee and will provide written rationale if the committee's recommendation is not followed. My objections in this case are based solely on my desire to respect the integrity of our multi-branch form of government and to maintain the clear lines of authority drawn between our respective branches.

Article III, Section 1 of the Montana Constitution provides:

The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

I have been said that the principle of the separation of powers is fundamental to the existence of constitutional government. *National Mut. Ins. Co. v. Tidewater Transfer Co.*, 337 U.S. 582, 590 (1949).

I recommend that Section 2 (4) be deleted in its entirety--in its current form, this subsection violates the Doctrine of Separation of Powers.

I have enclosed my amendment to that effect. Please be advised that the Department of Public Health and Human Services concur with my amendment. Further, Representative Clark, the sponsor of the bill, has been informed of my recommendation and concurs.

Sincerely,

JUDY MARTZ  
Governor

#### GOVERNOR'S AMENDMENTS TO HOUSE BILL 744

1. Title, lines 10 through 12.

**Following:** "COMMITTEE;" ON LINE 10

**Strike:** remainder of line 10 through "LEGISLATURE;" on line 12

2. Page 2, lines 16 through 18.

**Strike:** subsection (4) in its entirety

#### MOTIONS

Representative Newman moved the House override the Governor's veto on **HB 701**. Motion carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 74

Noes: Ballantyne, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Dickenson, Everett, Fisher, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Jent, Kasten, Laszloffy, Lehman, McKenney, Mendenhall, Pattison, Rice, Shockley, Sinrud, Wagman, Waitschies.

Total 26



Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Brown moved that the House recess until 4:17 p.m. Motion carried.

House recessed at 2:46 p.m.

House reconvened at 4:20 p.m. All members present. Quorum present.

## **REPORTS OF SELECT COMMITTEES**

### CONFERENCE COMMITTEE on Senate Amendments to **House Bill 363** Report No. 1, April 25, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 363** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 363** (reference copy -- salmon) be amended as follows:

1. Title, lines 9 and 10.

**Following:** "MONEY" on line 9

**Strike:** remainder of line 9 through "AMOUNT" on line 10

2. Title, lines 11 and 12.

**Strike:** line 11 through "1990;" on line 12

3. Page 2, line 27.

**Strike:** ":",

**Insert:** ":",

4. Page 2, line 28.

**Strike:** "(I)"

5. Page 2, line 29 through page 3, line 1.

**Following:** "FUND" on line 29

**Strike:** remainder of line 29 through "1990" on line 1

6. Page 3, line 8.

**Strike:** "EXCEPT" through "IF"

**Insert:** "If"

7. Page 3, line 22.

**Following:** "remainder"

**Insert:** "as follows:

- (1) \$3,522,295 to the state general fund; and
- (2) the remainder"

8. Page 3, lines 23 and 24.

**Following:** "FUND." on line 23

**Strike:** remainder of line 23 through "39-71-2352(5)(C)(II)." on line 24

For the House:

R. Brown, Chairman  
Gillan  
Sales

For the Senate:

Barkus, Chairman  
Cocchiarella  
F. Thomas

#### MESSAGES FROM THE SENATE

**House joint resolutions not** concurred in by the Committee of the Whole and returned to the House:

4/25/2003

**HJR 38**, introduced by Erickson

**HJR 44**, introduced by Fritz

#### MESSAGES FROM THE GOVERNOR

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 3** sponsored by Representative Brueggeman and **House Bill 100** sponsored by Representative Jent on April 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: House Bill No. 42***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 42, "A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO CALCULATE THE AMOUNT OF HABITAT AVAILABLE FOR ELK, DEER, AND ANTELOPE IN MONTANA; REQUIRING A DETERMINATION OF SUSTAINABLE POPULATIONS BASED ON THE HABITAT CALCULATION; REQUIRING THE DEPARTMENT TO ENSURE THAT POPULATIONS OF ELK, DEER, AND ANTELOPE ARE AT OR BELOW THE POPULATION ESTIMATE; PROVIDING A FUNDING SOURCE ~~AND A STATUTORY APPROPRIATION~~; PROVIDING FOR ADJUSTMENTS BASED ON MANAGEMENT PROVISIONS IN THE MAXIMUM LICENSE NUMBERS THAT CAN BE ALLOCATED FOR RESIDENTS; AMENDING SECTIONS ~~17-7-502~~, 87-1-201, ~~87-1-268~~, 87-1-301, 87-2-104, 87-2-501, ~~87-2-504~~, ~~87-2-505~~, ~~87-2-510~~, ~~87-2-511~~, ~~87-2-512~~, AND 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reason.

I have no concerns with general objectives of House Bill No. 42. However, I recommend that the following amendments that were removed from House Bill No. 42 are paramount to achieving the overall objectives of the bill, with the ultimate goal of making the provisions of the bill workable.

I have enclosed my amendments to that effect. Representative Barrett has been informed of my recommendation. Please be advised that the Department of Fish, Wildlife and Parks concur with my amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 42

1. Title, line 9.

**Strike:** "ENSURE"

**Insert:** "MANAGE WITH THE OBJECTIVE"

2. Title, line 10.

**Strike:** "AND A STATUTORY APPROPRIATION"

3. Title, line 11.

**Following:** "FOR RESIDENTS"

**Insert:** "FOR RESIDENTS"

**Strike:** "17-7-502,"

**Strike:** "87-1-268,"

4. Title, lines 12 and 13.

**Following:** "~~87-2-512~~," on line 12

**Strike:** remainder of line 12 through "~~87-2-512~~," on line 13

5. Page 2, line 18.

**Strike:** "to ensure"

**Insert:** "with the objective"

6. Page 2, line 27.

**Strike:** "ensure"

**Insert:** "manage with the objective"

7. Page 3, lines 5 through 7.

**Following:** "~~17-7-502:~~" on line 5

**Strike:** remainder of line 5 through line 7 in its entirety

8. Page 4, line 17 through page 5, line 15.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

9. Page 8, lines 18 through 28.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

10. Page 22, line 4 through page 30, line 3.

**Strike:** sections 12 through 16 in their entirety

**Renumber:** subsequent sections

## **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 363 - Conference Committee Report No. 1** - Representative R. Brown moved the Conference Committee report to **HB 363** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Becker, Bergren, Bixby, Branae, Buzzas, P. Clark, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Ryan, Small-Eastman, Smith, Weiss, Wilson.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 493** - Representative Brueggeman moved **SB 493** be concurred in.

Representative Jayne moved **SB 493**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING APPROPRIATIONS;"

2. Page 1, line 24.

**Following:** "transfer"

**Insert:** " -- appropriation

**Following:** "transfer."

**Insert:** "(1)"

3. Page 1, lines 25 and 26.

**Following:** "2003." on line 25

**Strike:** the remainder of line 25 through line 26 in its entirety

**Insert:** "(2) The following amounts of general fund money are appropriated to the department of public health and human services:

(a) \$500,000 in fiscal year 2005 for part C services for developmentally disabled children;

(b) \$257,000 in fiscal year 2004 and \$257,000 in fiscal year 2005 for aging services meals on wheels programs; and

(c) \$2,686,000 over the biennium beginning July 1, 2003, for medicaid services for persons eligible under the medically needy category of medicaid eligibility."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Schrumpf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 493** be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

## MESSAGES FROM THE GOVERNOR

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, MT 59620

***Re: House Bill No. 452***

Dear Senator Keenan and Representative Mood:

n accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 452, "AN ACT PROVIDING A TAX CREDIT FOR CONTRIBUTIONS TO AN ACCOUNT TO BE USED FOR PROVIDING SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; PROVIDING FOR THE USE OF MONEY IN THE ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE," without my signature and recommend the attached amendment for the following reason.

I have no concerns with the objectives of House Bill No. 452. As the bill stands, however, there is a mismatch of years for reconciling general fund receipts and credit offsets. This amendment rectifies this mismatch by clarifying reconciliation, for credits taken, does not begin until calendar year 2004. The calendar year 2004 is the first year that credits will be taken for contributions made in 2003. This amendment ensures that there is no negative general fund impact for any year.

I have enclosed my amendment to that effect. Please be advised that the Department of Revenue concur with my amendments. Further, Representative Raser, the sponsor of the bill, has been informed of my recommendation and concurs.

Sincerely,

JUDY MARTZ  
Governor

#### GOVERNOR'S AMENDMENTS TO HOUSE BILL 452

1. Page 1, line 22.

**Strike:** "AT THE END OF EACH"

**Insert:** "In"

**Strike:** "YEAR"

**Insert:** "years 2004, 2005, and 2006"

2. Page 1, line 23.

**Following:** "CLAIMED"

**Insert:** ", "

3. Page 1, line 24.

**Following:** "TAKEN"

**Insert:** "for donations made"

#### MOTIONS

Representative Jent moved to **dissolve** the conference committee on **HB 424**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 98

Noes: Fuchs, Mr. Speaker.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Jent moved to **suspend the rules** to reconsider House action on the rejection of Senate amendments to **HB 424**. Motion (requiring 2/3 vote) carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 95

Noes: Fuchs, Sales, Shockley, Wagman, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Jent moved to **reconsider** House action on the rejection to Senate amendments to **HB 424**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 90

Noes: Fisher, Fuchs, Jackson, Pattison, Sales, Shockley, Sinrud, Wagman, Witt, Mr. Speaker.

Total 10

Excused: None.

Total 0



Absent or not voting: None.  
Total 0

Representative Jent moved that **HB 424** be placed on second reading Legislative Day 89. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 91

Noes: Balyeat, Fisher, Fuchs, Pattison, Sales, Sinrud, Witt, Mr. Speaker.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

#### ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, April 26, 2003. Motion carried.

House adjourned at 5:21 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House

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Helena, Montana  
April 26, 2003

House Chambers  
State Capitol

House convened at 8:06 a.m. Mr. Speaker in the Chair. Invocation by Representative Balyeat. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-fifth, eighty-sixth, and eighty-seventh legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**COMMUNICATIONS AND PETITIONS**

In accordance with 5-12-202, MCA, the Speaker appointed the following Representatives to the interim Legislative Finance Committee:

Representative Brueggeman  
Representative Buzzas  
Representative Forrester  
Representative Kasten  
Representative Lewis  
Representative Lindeen

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/26/2003  
Correctly enrolled: **HB 509, HB 536.**  
Examined by the sponsor and found to be correct: **HB 509, HB 536.**  
Signed by the Speaker at 5:15 p.m., April 25, 2003: **HB 56, HB 90, HB 259, HB 277, HB 283, HB 564, HB 680, HB 689, HB 720, HB 727, HJR 31.**  
Signed by the Speaker at 7:45 a.m., April 26, 2003: **HB 197, HB 201, HB 206, HB 211, HB 298, HB 403, HB 489, HB 608, HB 642, HB 736, HJR 37.**  
Delivered to the Governor for approval at 7:30 a.m., April 26, 2003: **HB 197, HB 201, HB 206, HB 211, HB 298, HB 403, HB 489, HB 608, HB 642, HB 736.**  
Delivered to the Governor for approval at 8:30 a.m., April 26, 2003: **HB 56, HB 90, HB 259, HB 283, HB 564, HB 680, HB 689, HB 720, HB 727.**

**MESSAGES FROM THE SENATE**

**HB 107** - The Senate voted to indefinitely postpone **HB 701** when the conference committee report was rejected on second reading this day.

4/25/2003

**HB 701** - The Senate, by motion, **failed** to override the Governor's veto on **HB 701** and returned the bill to the House.

4/25/2003

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**SB 485** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 485**:

4/25/2003

Senator Cobb, Chair  
Senator Stapleton  
Senator Stonington

**MOTIONS**

Representative R. Brown moved the Speaker accede to the request of the Senate and appoint a Free Conference Committee to meet with a like committee to confer on House amendments to **SB 485**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chair  
Representative E. Clark  
Representative Franklin

Majority Leader Brown moved that the House recess until 8:40 a.m. for caucuses. Motion carried.

House recessed at 8:11 a.m.

House reconvened at 8:56 a.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bitney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 247 - Free Conference Committee Report No. 1** - Representative Harris moved the Free Conference Committee report to **HB 247** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Barrett, Hawk, Jayne, Kasten, Laszloffy, Morgan, Newman, Rice, Ripley, Rome.  
Total 10

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 452 - Governor's Amendments** - Representative Laslovich moved Governor's amendments to **HB 452** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: D. Brown, Devlin, Jackson.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Hedges.  
Total 1

**HB 744 - Governor's Amendments** - Representative E. Clark moved Governor's amendments to **HB 744** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Dickenson, Galvin-Halcro, Golie.  
Total 3

Excused: None.  
Total 0

Absent or not voting: P. Clark, Franklin, Lewis.  
Total 3

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**SB 484 - Governor's Amendments** - Representative Gillan moved Governor's amendments to **SB 484** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Barrett, Everett, Fuchs, Jayne, Kasten, Laszloffy, Malcolm, Ripley, Sales, Shockley.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Lewis.  
Total 1

**HB 42 - Governor's Amendments** - Representative Barrett moved Governor's amendments to **HB 42** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 68

Noes: Becker, Bixby, Buzzas, Callahan, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Lewis.  
Total 1

**HB 424 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 424** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Everett,

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Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 87

Noes: Bergren, Cohenour, Cyr, Fuchs, Gallus, Hedges, Keane, Lake, Lewis, Newman, Mr. Speaker.  
Total 11

Excused: None.  
Total 0

Absent or not voting: A. Olson, Parker.  
Total 2

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bitney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Becker, Callahan, Cohenour, Cyr, Dickenson, Dowell, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Parker, Ryan, Smith, Wanzenried, Weiss, Wilson.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 107, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown,

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Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Balyeat, Bixby, Everett, Hawk, Juneau, Kasten, Lake, Lindeen, Morgan, Rice, Sales, Shockley, Sinrud, Wagman, Waitschies, Weiss.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 363, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 62

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 558, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman,

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Steinbeisser, Stoker, Thomas, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Ballantyne, Balyeat, Bergren, Bixby, Callahan, Cohenour, Dowell, Erickson, Fuchs, Gutsche, Jayne, Juneau, Lindeen, Sales, Smith, Wagman, Wanzenried, Weiss.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 270, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, Barrett, Everett, Jackson, Kasten, Laszloffy, Rice, Sales, Shockley, Sinrud.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 370, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Bergren, Buzzas, Cohenour, Dickenson, Franklin, Gallik, Jayne, Ryan, Smith, Wilson.  
Total 10



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 381, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Cohenour, Gallik, Lindeen, Smith, Weiss.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 406, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 86

Noes: Bergren, Bixby, Buzzas, Cohenour, Dowell, Erickson, Gutsche, Juneau, Kaufmann, Lindeen, Ryan, Smith, Wanzenried, Weiss.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 461, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 80

Noes: Balyeat, Bergren, Bixby, R. Brown, Cohenour, Fuchs, Gallik, Jayne, Juneau, Keane, Laszloffy, Lewis, Lindeen, Mendenhall, Ryan, Sales, Small-Eastman, Smith, Weiss, Witt.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 473, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Laszloffy, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 483** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker,

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Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 493** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Brown moved that the House recess until 1:00 p.m. Motion carried.

House recessed at 9:25 a.m.

House reconvened at 1:04 p.m. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 424**  
Report No. 1, April 26, 2003

Mr. President and Mr. Speaker:

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We, your Free Conference Committee met and considered **Senate Bill 424** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 424** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

**Following:** "ENTITLEMENTS:"

**Insert:** "INCREASING THE BASIC AND PER-ANB ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEAR 2004 AND SUCCEEDING YEARS;"

2. Title, line 7.

**Following:** "ANB";"

**Insert:** "CHANGING THE WAY IN WHICH A SCHOOL DISTRICT OR COOPERATIVE CHARGES EMPLOYER CONTRIBUTIONS FOR RETIREMENT, SOCIAL SECURITY, AND UNEMPLOYMENT INSURANCE; TERMINATING THE COUNTYWIDE SCHOOL RETIREMENT BLOCK GRANTS;"

3. Title, line 12.

**Following:** "SECTIONS"

**Insert:** "20-9-306,"

4. Title, line 13.

**Strike:** "AND"

**Following:** "20-10-141,"

**Insert:** "20-9-501, 20-9-542"

**Strike:** "SECTION 25"

**Insert:** "SECTIONS 25 AND 26"

5. Title, line 14.

**Following:** "DATES"

**Insert:** ", "

6. Title, line 15.

**Strike:** "AND"

**Following:** "DATES"

**Insert:** ", AND A TERMINATION DATE"

7. Page 1, line 20.

**Following:** "(1)"

**Strike:** "THE"

**Insert:** "In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the"

8. Page 1, lines 21 and 22.

**Following:** the first "FOR"

**Insert:** "the basic and per-ANB entitlements in"

**Strike:** the first "SCHOOL"

**Strike:** "BY" on line 21 through "FISCAL YEAR" on line 22

**Insert:** "of the ensuing biennium. The inflation factor is calculated as follows:"

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year

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by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third

9. Page 1, line 23.

**Strike:** "K-12 PUBLIC EDUCATION"

**Insert:** "the basic and per-ANB entitlements"

10. Page 1, line 25.

**Following:** "SECTION"

**Insert:** ", not to exceed 3% in each year, applied to both years of the biennium"

11. Page 1.

**Following:** line 28

**Insert:** "**Section 2.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and ~~up to~~ 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$213,819~~ \$216,171 for each high school district;

(b) ~~\$19,244~~ \$19,456 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$19,244~~ \$19,456 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$213,819~~ \$216,171 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and the greater of:

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- (a) 175% of special education allowable cost payments; or
- (b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
  - (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,205~~ \$5,262 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
  - (b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,906~~ \$3,949 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and
  - (c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:
    - (i) a maximum rate of ~~\$3,906~~ \$3,949 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and
    - (ii) a maximum rate of ~~\$5,205~~ \$5,262 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Insert: "Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
  - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
  - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and ~~up to~~ 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
  - (a) ~~\$213,819~~ \$220,646 for each high school district;
  - (b) ~~\$19,244~~ \$19,859 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
  - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
    - (i) ~~\$19,244~~ \$19,859 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

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(ii) ~~\$213,819~~ \$220,646 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,205~~ \$5,371 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,906~~ \$4,031 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,906~~ \$4,031 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,205~~ \$5,371 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Renumber:** subsequent sections

12. Page 7.

**Following:** line 4

**Insert:** "Section 7. Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement costs and retirement fund.** (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

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(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal agreement fund if the fund is supported solely from districts' general funds and state special education allowable cost payments pursuant to 20-9-321; and

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

~~(2)~~(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

~~(3)~~(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

- (i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;
- (ii) oil and natural gas production taxes;
- (iii) coal gross proceeds taxes under 15-23-703;
- (iv) countywide school retirement block grants distributed under section 245, Chapter 574, Laws of 2001;
- (v) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection ~~(8)~~ (9), subtracting the money available for reduction of the levy requirement, as determined in subsection ~~(3)(a)~~ (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

~~(4)~~(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

~~(5)~~(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

~~(6)~~(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

~~(7)~~(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

~~(8)~~(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in



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the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection ~~(4)(a)~~ (5)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

~~(9)~~(10) The levy for a community college district may be applied only to property within the district."

**Insert: "Section 8.** Section 20-9-542, MCA, is amended to read:

**"20-9-542. School flexibility account -- distribution of funds.** (1) There is a school flexibility account in the state special revenue fund. The superintendent of public instruction shall allocate the money in the account, including any interest earned on money allocated to the account, to each school district. Each school district's total allocation is the sum of the district K-12 public school funding amount, the district large K-12 public school funding amount, and the district student funding amount.

(2) In addition to funds allocated or appropriated to the school flexibility account, all money saved by the state if the actual statewide ANB in a given fiscal year is less than the statewide ANB projected by the legislature during the preceding legislative session must be deposited in the school flexibility account.

(3) A portion of the money in the school flexibility account may be expended by a district to alleviate certified staff shortages in the district or for retirement incentives only if a portion of the account is specified for that purpose in a general appropriation act."

13. Page 11.

**Following:** line 10

Insert: Section 12. Section 26, Chapter 13, Special Laws of August 2002, is amended to read:

"Section 26. Section 245, Chapter 574, Laws of 2001, is amended to read:

"Section 245. Countywide school retirement block grants. ~~(1)~~ The office of public instruction shall distribute one-half of the amount appropriated for countywide school retirement in November and the remainder in May. The total amount for each county is as follows:

|               | FY 2002<br>Elementary<br>Payment | FY 2002<br>High School<br>Payment | FY 2003<br>Elementary<br>Payment    | FY 2003<br>High School<br>Payment   |
|---------------|----------------------------------|-----------------------------------|-------------------------------------|-------------------------------------|
| Beaverhead    | \$86,692                         | \$50,789                          | <del>\$87,351</del> <u>\$55,503</u> | <del>\$51,175</del> <u>\$41,981</u> |
| Big Horn      | 62,668                           | 36,963                            | <del>63,144</del> <u>95,018</u>     | <del>37,244</del> <u>33,837</u>     |
| Blaine        | 61,160                           | 10,193                            | <del>61,624</del> <u>46,318</u>     | <del>10,271</del> <u>81,109</u>     |
| Broadwater    | 0                                | 92,686                            | 0                                   | <del>93,390</del> <u>34,949</u>     |
| Carbon        | 43,451                           | 82,110                            | <del>43,782</del> <u>72,602</u>     | <del>82,734</del> <u>58,957</u>     |
| Carter        | 9,751                            | 5,453                             | <del>9,825</del> <u>8,478</u>       | <del>5,495</del> <u>6,155</u>       |
| Cascade       | 349,056                          | 192,848                           | <del>351,709</del> <u>282,266</u>   | <del>194,314</del> <u>142,282</u>   |
| Chouteau      | 75,384                           | 41,034                            | <del>75,957</del> <u>58,455</u>     | <del>41,346</del> <u>29,474</u>     |
| Custer        | 78,925                           | 36,930                            | <del>79,525</del> <u>57,608</u>     | <del>37,211</del> <u>32,128</u>     |
| Daniels       | 0                                | 37,994                            | 0                                   | <del>38,283</del> <u>36,083</u>     |
| Dawson        | 85,568                           | 38,722                            | <del>86,219</del> <u>64,693</u>     | <del>39,016</del> <u>24,827</u>     |
| Deer Lodge    | 39,980                           | 17,059                            | <del>40,284</del> <u>34,455</u>     | <del>17,189</del> <u>16,807</u>     |
| Fallon        | 0                                | 0                                 | 0                                   | <del>0</del> <u>30,444</u>          |
| Fergus        | 119,028                          | 78,809                            | <del>119,932</del> <u>90,464</u>    | <del>79,408</del> <u>55,527</u>     |
| Flathead      | 558,861                          | 296,410                           | <del>563,108</del> <u>530,274</u>   | <del>298,662</del> <u>268,731</u>   |
| Gallatin      | 383,035                          | 181,743                           | <del>385,946</del> <u>537,244</u>   | <del>183,125</del> <u>107,717</u>   |
| Garfield      | 12,337                           | 10,170                            | <del>12,431</del> <u>12,100</u>     | <del>10,247</del> <u>4,620</u>      |
| Glacier       | 79,924                           | 34,016                            | <del>80,532</del> <u>106,815</u>    | <del>34,275</del> <u>10,494</u>     |
| Golden Valley | 0                                | 16,716                            | 0                                   | <del>16,843</del> <u>14,492</u>     |
| Granite       | 14,074                           | 48,026                            | <del>14,180</del> <u>12,523</u>     | <del>48,391</del> <u>30,727</u>     |

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|               |           |           |                                       |                                       |
|---------------|-----------|-----------|---------------------------------------|---------------------------------------|
| Hill          | 142,867   | 82,538    | <del>143,953</del> <u>59,593</u>      | <del>83,165</del> <u>35,211</u>       |
| Jefferson     | 116,679   | 59,523    | <del>117,565</del> <u>143,901</u>     | <del>59,976</del> <u>59,690</u>       |
| Judith Basin  | 6,149     | 21,359    | <del>6,196</del> <u>4,744</u>         | <del>21,521</del> <u>30,198</u>       |
| Lake          | 173,584   | 139,990   | <del>174,903</del> <u>156,485</u>     | <del>141,054</del> <u>103,365</u>     |
| Lewis & Clark | 344,112   | 211,726   | <del>346,728</del> <u>370,958</u>     | <del>213,335</del> <u>173,847</u>     |
| Liberty       | 20,144    | 16,786    | <del>20,297</del> <u>3,067</u>        | <del>16,914</del> <u>31,953</u>       |
| Lincoln       | 73,001    | 98,835    | <del>73,556</del> <u>61,499</u>       | <del>99,586</del> <u>87,710</u>       |
| Madison       | 0         | 103,163   | <del>0</del> <u>4,891</u>             | <del>103,947</del> <u>19,788</u>      |
| McCone        | 23,214    | 15,824    | <del>23,390</del> <u>21,778</u>       | <del>15,945</del> <u>14,004</u>       |
| Meagher       | 13,654    | 10,678    | <del>13,758</del> <u>9,250</u>        | <del>10,759</del> <u>9,492</u>        |
| Mineral       | 0         | 32,206    | 0                                     | <del>32,451</del> <u>33,292</u>       |
| Missoula      | 487,129   | 362,756   | <del>490,832</del> <u>587,637</u>     | <del>365,513</del> <u>357,669</u>     |
| Musselshell   | 30,675    | 21,577    | <del>30,908</del> <u>48,959</u>       | <del>21,741</del> <u>41,250</u>       |
| Park          | 154,192   | 81,696    | <del>155,364</del> <u>135,256</u>     | <del>82,317</del> <u>78,135</u>       |
| Petroleum     | 0         | 16,897    | 0                                     | <del>17,026</del> <u>9,510</u>        |
| Phillips      | 10,502    | 95,084    | <del>10,582</del> <u>103,747</u>      | <del>95,806</del> <u>54,728</u>       |
| Pondera       | 79,805    | 60,307    | <del>80,411</del> <u>18,821</u>       | <del>60,765</del> <u>47,629</u>       |
| Powder River  | 18,815    | 15,011    | <del>18,958</del> <u>0</u>            | <del>15,125</del> <u>0</u>            |
| Powell        | 69,695    | 22,666    | <del>70,225</del> <u>71,420</u>       | <del>22,838</del> <u>30,458</u>       |
| Prairie       | 0         | 26,791    | 0                                     | <del>26,995</del> <u>21,945</u>       |
| Ravalli       | 85,333    | 169,769   | <del>85,981</del> <u>2,062</u>        | <del>171,059</del> <u>40,316</u>      |
| Richland      | 83,671    | 30,302    | <del>84,307</del> <u>15,500</u>       | <del>30,533</del> <u>26,650</u>       |
| Roosevelt     | 71,090    | 60,329    | <del>71,630</del> <u>96,278</u>       | <del>60,787</del> <u>61,038</u>       |
| Rosebud       | 359,662   | 286,411   | <del>362,395</del> <u>475,055</u>     | <del>288,588</del> <u>126,246</u>     |
| Sanders       | 203,863   | 127,694   | <del>205,413</del> <u>197,286</u>     | <del>128,665</del> <u>14,442</u>      |
| Sheridan      | 0         | 46,231    | 0                                     | <del>46,583</del> <u>47,628</u>       |
| Silver Bow    | 249,821   | 141,541   | <del>251,719</del> <u>193,304</u>     | <del>142,617</del> <u>119,358</u>     |
| Stillwater    | 91,487    | 75,926    | <del>92,182</del> <u>91,185</u>       | <del>76,503</del> <u>51,769</u>       |
| Sweet Grass   | 36,996    | 36,327    | <del>37,277</del> <u>24,214</u>       | <del>36,603</del> <u>12,316</u>       |
| Teton         | 57,760    | 41,547    | <del>58,199</del> <u>45,217</u>       | <del>41,863</del> <u>40,769</u>       |
| Toole         | 43,323    | 51,399    | <del>43,652</del> <u>36,109</u>       | <del>51,790</del> <u>73,362</u>       |
| Treasure      | 0         | 18,947    | 0                                     | <del>19,091</del> <u>16,243</u>       |
| Valley        | 15,824    | 90,532    | <del>15,944</del> <u>10,558</u>       | <del>91,220</del> <u>143,204</u>      |
| Wheatland     | 20,946    | 12,103    | <del>21,105</del> <u>15,031</u>       | <del>12,195</del> <u>12,109</u>       |
| Wibaux        | 0         | 14,585    | 0                                     | <del>14,696</del> <u>25,103</u>       |
| Yellowstone   | 1,125,488 | 643,136   | <del>1,134,042</del> <u>1,070,887</u> | <del>648,024</del> <u>612,203</u>     |
| Total         | 6,269,374 | 4,650,865 | <del>6,317,022</del> <u>6,139,506</u> | <del>4,686,212</del> <u>3,723,973</u> |

~~(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year."~~

Renumber: subsequent sections

14. Page 11.

**Following:** line 21

**Insert: "NEW SECTION. Section 15. Restrictions on retirement fund for fiscal year 2004.** (1) For school fiscal year 2004, the amount that a school district or cooperative may charge to the retirement fund for the employer's contributions to the retirement, federal social security, and unemployment insurance systems for all employees whose salaries are paid from a federal funding source is limited to the amount that the district or cooperative charged to the retirement fund for those same purposes for the same group of employees in school fiscal year 2003.

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(2) The restriction is subsection (1) does not apply to employees whose salaries are paid from the district's school food services fund."

**Insert:** "NEW SECTION. Section 16. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1]."

**Renumber:** subsequent sections

15. Page 11, line 23 through line 27.

**Following:** "(1)" on line 23

**Strike:** remainder of line 23 through "APPROVAL" on line 27

**Insert:** "[Section 1] is effective July 1, 2004, and applies to school budgets for the fiscal years beginning on or after July 1, 2005.

(2) [Section 2] is effective July 1, 2003, and applies to school budgets for the school fiscal year beginning July 1, 2003.

(3) [Section 3] is effective July 1, 2004, and applies to school budgets for the school fiscal years beginning on or after July 1, 2004.

(4) [Sections 4 through 6 and 8 through 13] are effective July 1, 2003.

(5) [Section 7] is effective July 1, 2004.

(6) [Sections 14, 15, 16, 18, 19, and this section] are effective on passage and approval"

16. Page 11.

**Following:** line 30

**Insert:** "NEW SECTION. Section 19. Termination. [Section 2] terminates June 30, 2004."

For the Senate:

Story, Chairman  
Nelson  
F. Thomas

For the House:

Andersen, Chairman  
Jackson

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 485**  
Report No. 1, April 26, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 485** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 485** (reference copy -- salmon) be amended as follows:

1. Page 2.

**Following:** line 30

**Insert:** "(ii) child care for low-income families;"

**Renumber:** subsequent subsections

2. Page 3, line 30.

**Strike:** "\$8,500,000"

**Insert:** "\$6,500,000"

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3. Page 3.

**Following:** line 30

**Insert:** "(b) child care, \$2,000,000;"

**Renumber:** subsequent subsections

Explanation: This amendment adds child care funding as the second priority and appropriates \$2,000,000 million for child care by reducing \$2,000,000 from mental health services and prescription drugs.

For the Senate:

Cobb, Chairman  
Stapleton  
Stonington

For the House:

Brueggeman, Chairman  
E. Clark  
Franklin

**MESSAGES FROM THE SENATE**

**House amendments to Senate bill** concurred in: 4/26/2003

**SB 415**, introduced by F. Thomas

**House bill** concurred in and returned to the House: 4/26/2003

**HB 775**, introduced by Laszloffy

**House joint resolutions** concurred in and returned to the House: 4/26/2003

**HJR 35**, introduced by Bixby

**HJR 40**, introduced by Younkin

**HJR 43**, introduced by Windy Boy

Governor's amendments to **House bills** concurred in and returned to the House: 4/26/2003

**HB 5**, introduced by Kasten

**HB 42**, introduced by Barrett

**HB 218**, introduced by Bookout-Reinicke

**HB 609**, introduced by Windy Boy

**HB 693**, introduced by Sinrud

**HB 744**, introduced by E. Clark

Governor's amendments to **Senate bills** concurred in:

4/26/2003

**SB 473**, introduced by Elliott

**SB 484**, introduced by Mangan

Conference Committee Report No.1 adopted on third reading:

4/26/2003

**HB 363**, introduced by R. Brown

**HB 558**, introduced by D. Brown

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Free Conference Committee Report No.1 adopted on third reading:

4/26/2003

**HB 247**, introduced by Harris

**SB 461**, introduced by Story

Majority Leader Brown moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 1:08 p.m.

House reconvened at 3:00 p.m. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 2**  
Report No. 1, April 26, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be amended.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended by the House.

HOUSE BILL NO. 2  
INTRODUCED BY D. LEWIS  
BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2005; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

- NEW SECTION. **Section 1.** **Short title.** [This act] may be cited as "The General Appropriations Act of 2003".
- NEW SECTION. **Section 2.** **First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2005 biennium, are adopted as legislative intent.
- NEW SECTION. **Section 3.** **Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].
- NEW SECTION. **Section 4.** **Appropriation control.** An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2007 biennium. The office of

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budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". THE DESIGNATION OF "RESTRICTED" IS SUBJECT TO THE PROVISIONS OF [SECTION 7]. The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. Section 5.

**Program definition.** As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

NEW SECTION. Section 6.

**Personal services funding -- 2007 biennium.** (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2007 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2007 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

NEW SECTION. SECTION 7.

**APPROVED ORIGINAL OPERATING BUDGET.** IN ACCORDANCE WITH THE PROVISIONS OF 17-7-138, THE APPROVED ORIGINAL OPERATING BUDGET FOR EACH FISCAL YEAR OF THE 2005 BIENNIUM MAY INCLUDE AN AMOUNT NOT MORE THAN A PRORATED SHARE BY FUND TYPE OF ANY ACROSS-THE-BOARD REDUCTIONS OR ANY UNDESIGNATED REDUCTIONS AMONG ALL PROGRAMS, AS DEFINED IN [SECTION 5], AND AMONG ALL APPROPRIATION ITEMS, AS DEFINED IN [SECTION 4], FOR THE ENTIRE AGENCY. THIS EXCEPTION TO LEGISLATIVE RESTRICTIONS ON APPROPRIATION ITEMS CONTAINED IN [THIS ACT] IS AUTHORIZED ONLY FOR PREPARATION AND APPROVAL OF THE ORIGINAL OPERATING BUDGET, WHICH IS DUE FROM ALL AGENCIES BY AUGUST 1 OF EACH FISCAL YEAR, EXCLUDING THE UNIVERSITY SYSTEM UNITS.

NEW SECTION. SECTION 8.

**CONTINGENT VOIDNESS.** BECAUSE ITEM 4B ON PAGE A-5 APPROPRIATES, ITEM 1B ON PAGE B-1, ITEMS 3B AND 4B ON PAGE B-2, ITEM 6E ON PAGE B-3, ITEM 12E ON PAGE B-6, ITEM 1 ON PAGE C-11, ITEM 4D ON PAGE C-12, ITEM 4A ON PAGE D-5, ITEM 2R ON PAGE E-2, AND ITEMS 7L AND 7M ON PAGE E-11 APPROPRIATE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL, ARTICLE IX, SECTION 5, OF THE MONTANA CONSTITUTION REQUIRES A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE FOR APPROVAL. IF [THIS ACT] IS NOT APPROVED BY A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE, THEN ITEM 4B IS ON PAGE A-5, ITEM 1B ON PAGE B-1, ITEMS 3B AND 4B ON PAGE B-2, ITEM 6E ON PAGE B-3, ITEM 12E ON PAGE B-6, ITEM 1 ON PAGE C-11, ITEM 4D ON PAGE C-12, ITEM 4A ON PAGE D-5, ITEM 2R ON PAGE E-2, AND ITEMS 7L AND 7M ON PAGE E-11 ARE VOID. BECAUSE ITEM 1B, ITEM 4B, AND ITEM 12E IN THE DEPARTMENT OF PUBLIC HEALTH

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AND HUMAN SERVICES, ITEM 2S IN THE OFFICE OF PUBLIC INSTRUCTION, AND ITEM 4B AND ITEM 7N IN THE MONTANA UNIVERSITY SYSTEM APPROPRIATE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL, ARTICLE IX, SECTION 5, OF THE MONTANA CONSTITUTION REQUIRES A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE FOR APPROVAL. IF [THIS ACT] IS NOT APPROVED BY A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE, THEN ITEM 1B, ITEM 4B, AND ITEM 12E IN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, ITEM 2S IN THE OFFICE OF PUBLIC INSTRUCTION, AND ITEM 4B AND ITEM 7N IN THE MONTANA UNIVERSITY SYSTEM ARE VOID.

NEW SECTION. SECTION 9.

**STATEWIDE FTE REDUCTION.** AMOUNTS IDENTIFIED AS "STATEWIDE FTE REDUCTION" IN EACH AGENCY MAY BE REALLOCATED BETWEEN AGENCIES AT THE DISCRETION OF THE APPROVING AUTHORITY, AS DEFINED IN 17-7-102(3).

NEW SECTION. SECTION 10.

**CONTINGENT VOIDNESS.** (1) THE APPROPRIATIONS REFERRED TO IN SUBSECTION (2) ARE VOID IF SENATE BILL NO. 485 IS PASSED AND APPROVED IN A FORM THAT, TOGETHER WITH OTHER REVENUE DEPOSITED IN A PREVENTION AND STABILIZATION STATE SPECIAL REVENUE ACCOUNT, WILL INCLUDE SUFFICIENT REVENUE AND BIENNIAL APPROPRIATIONS RESTRICTED FOR THE FOLLOWING SPECIFIED USES:

(A) MENTAL HEALTH SERVICES AND PRESCRIPTION DRUGS FOR PROGRAMS ESTABLISHED PURSUANT TO 53-21-702(2) AND (3), \$6,500,000;

(B) CHILD CARE, \$2,000,000;

(C) THE MONTANA INITIATIVE FOR THE ABATEMENT OF MORTALITY IN INFANTS PROGRAM, \$1,100,000;

(D) INDEPENDENT LIVING SERVICES, \$457,532;

(E) EXTENDED EMPLOYMENT SERVICES, \$541,278;

(F) CHILD SUPPORT ENFORCEMENT, \$1,263,678;

(G) MENTAL HEALTH MEDICAID SERVICE RATES, \$800,000;

(H) MEDICAID HOSPICE SERVICES, \$340,000;

(I) MEDICAID HOME HEALTH THERAPY SERVICES, \$68,000;

(J) POISON CONTROL, \$77,908; AND

(K) AIDS FUNDING, \$84,000.

(2) IF SENATE BILL NO. 485 IS PASSED AND APPROVED IN A FORM THAT MEETS THE CONDITIONS ESTABLISHED IN SUBSECTION (1), THEN THE FOLLOWING ITEMS IN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ARE STRICKEN FROM [THIS ACT]:

(A) ITEMS 1D, 4A, 6A, 6B, 6C, 9C, 9D, 10D, 11B, 11C, 12B, AND 12C; AND

(B) APPROPRIATION CONDITIONS RELATED TO THE PREVENTION AND STABILIZATION ACCOUNT.

NEW SECTION. SECTION 11.

**Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. SECTION 12.

**Effective date.** [This act] is effective July 1, 2003.

NEW SECTION. SECTION 13.

**Appropriations.** The following money is appropriated for the respective fiscal years:

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A. GENERAL GOVERNMENT AND TRANSPORTATION

LEGISLATIVE BRANCH (1104)

|       |   |           |          |                  |          |                   |                  |           |
|-------|---|-----------|----------|------------------|----------|-------------------|------------------|-----------|
| 1.    | Legislative Services (20) (Biennial)                                  |           |          |                  |          |                   |                  |           |
|       | 3,988,490   | 937,141   | 0        | 0                | 0        | 4,925,631         | 4,270,415        | 379,019   |
|       | 0   | 0         | 0        | 4,649,434        |          |                   |                  |           |
|       | <u>4,068,920</u>  |           |          | <u>4,727,901</u> |          | <u>5,006,061</u>  | <u>4,348,882</u> |           |
|       | 4,109,709   |           |          | 4,768,690        |          | 5,046,850         | 4,389,671        |           |
|       | <u>A. LEGISLATIVE STARTUP COSTS FEED BILL AUGMENTATION (BIENNIAL)</u> |           |          |                  |          |                   |                  |           |
|       | <u>200,000</u>  | <u>0</u>  | <u>0</u> | <u>0</u>         | <u>0</u> | <u>200,000</u>    | <u>0</u>         | <u>0</u>  |
|       | 0   | 0         | 0        | 0                | 0        |                   |                  |           |
| 2.    | Legislative Committees and Activities (21) (Biennial)                 |           |          |                  |          |                   |                  |           |
|       | 627,894   | 0         | 0        | 0                | 0        | 627,894           | 0                | 0         |
|       | 0   | 0         | 0        | 0                |          |                   |                  |           |
| 3.    | Fiscal Analysis and Review (27) (Biennial)                            |           |          |                  |          |                   |                  |           |
|       | 1,252,091   | 0         | 0        | 0                | 0        | 1,252,091         | 1,298,957        | 0         |
|       | 0   | 0         | 0        | 1,298,957        |          |                   |                  |           |
| 4.    | Audit and Examination (28) (Biennial)                                 |           |          |                  |          |                   |                  |           |
|       | 2,094,056   | 1,402,859 | 0        | 0                | 0        | 3,496,915         | 2,198,861        | 1,304,460 |
|       | 0   | 0         | 0        | 3,503,321        |          |                   |                  |           |
| <hr/> |   |           |          |                  |          |                   |                  |           |
| Total | 7,962,531   | 2,340,000 | 0        | 0                | 0        | 10,302,531        | 7,768,233        | 1,683,479 |
|       | 0   | 0         | 0        | 9,451,712        |          |                   |                  |           |
|       | <u>8,242,961</u>  |           |          | <u>9,530,179</u> |          | <u>10,582,961</u> | <u>7,846,700</u> |           |
|       | 8,283,750   |           |          | 9,570,968        |          | 10,623,750        | 7,887,489        |           |

Item 1 includes a reduction in general fund money of \$80,430 in fiscal year 2004 and \$78,467 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The branch may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$74,851 IN FISCAL YEAR 2004 AND \$74,851 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE BRANCH MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIAL OPERATING PLANS.

The legislature requests the legislative audit committee to make it a high priority to conduct a performance audit of the governor's office of economic development and requests that the audit include a review of the office's benchmarks, the basis and accuracy of reported status indicators, statistics, and accomplishments, and the program's effectiveness and outcomes.

CONSUMER COUNSEL (1112)

|       |                             |                  |   |                  |   |                  |   |                  |
|-------|-----------------------------|------------------|---|------------------|---|------------------|---|------------------|
| 1.    | Administration Program (01) |                  |   |                  |   |                  |   |                  |
|       | 0                           | 1,210,683        | 0 | 0                | 0 | 1,210,683        | 0 | 1,218,271        |
|       | 0                           | 0                | 0 | 1,218,271        |   |                  |   |                  |
|       |                             | <u>1,335,683</u> |   | <u>1,343,271</u> |   | <u>1,335,683</u> |   | <u>1,343,271</u> |
| <hr/> |                             |                  |   |                  |   |                  |   |                  |
| Total | 0                           | 1,210,683        | 0 | 0                | 0 | 1,210,683        | 0 | 1,218,271        |
|       | 0                           | 0                | 0 | 1,218,271        |   |                  |   |                  |
|       |                             | <u>1,335,683</u> |   | <u>1,343,271</u> |   | <u>1,335,683</u> |   | <u>1,343,271</u> |

JUDICIARY (2110)



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|       |  |                  |                |                   |   |                   |                   |                  |
|-------|--|------------------|----------------|-------------------|---|-------------------|-------------------|------------------|
| 1.    | Supreme Court Operations (01)                                |                  |                |                   |   |                   |                   |                  |
|       | 2,732,161  | 1,897,342        | 390,684        | 0                 | 0 | 5,020,187         | 2,743,566         | 1,871,019        |
|       | 390,018  | 0                | 0              | 5,004,603         |   |                   |                   |                  |
|       | <u>3,020,545</u>   |                  |                | <u>5,301,577</u>  |   | <u>5,308,571</u>  | <u>3,040,540</u>  |                  |
|       | <u>3,278,571</u>   |                  |                | <u>5,558,900</u>  |   | <u>5,566,597</u>  | <u>3,297,863</u>  |                  |
|       |  | <u>1,979,722</u> |                | <u>5,667,603</u>  |   | <u>5,648,977</u>  |                   | <u>1,979,722</u> |
|       | <u>2,873,113</u>   |                  | <u>204,341</u> |                   |   | <u>5,057,176</u>  | <u>2,892,405</u>  |                  |
|       | <u>204,054</u>   |                  |                | <u>5,076,181</u>  |   |                   |                   |                  |
|       | a. Legislative Audit (Restricted/Biennial)                   |                  |                |                   |   |                   |                   |                  |
|       | 34,175   | 0                | 0              | 0                 | 0 | 34,175            | 0                 | 0                |
|       | 0  | 0                | 0              | 0                 |   |                   |                   |                  |
| 2.    | Boards and Commissions (02)                                  |                  |                |                   |   |                   |                   |                  |
|       | 259,129  | 25,000           | 0              | 0                 | 0 | 284,129           | 259,142           | 25,000           |
|       | 0  | 0                | 0              | 284,142           |   |                   |                   |                  |
| 3.    | Law Library (03)   |                  |                |                   |   |                   |                   |                  |
|       | 772,549  | 0                | 0              | 0                 | 0 | 772,549           | 774,371           | 0                |
|       | 0  | 0                | 0              | 774,371           |   |                   |                   |                  |
| 4.    | District Court Operations (04)                               |                  |                |                   |   |                   |                   |                  |
|       | 24,379,042   | 0                | 0              | 0                 | 0 | 24,379,042        | 25,250,501        | 0                |
|       | 0  | 0                | 0              | 25,250,501        |   |                   |                   |                  |
|       | <u>26,179,042</u>  |                  |                | <u>27,050,501</u> |   | <u>26,179,042</u> | <u>27,050,501</u> |                  |
|       |  |                  |                | <u>6,151,807</u>  |   | <u>6,166,116</u>  | <u>6,151,807</u>  |                  |
|       | <u>6,166,116</u>   |                  |                | <u>6,301,807</u>  |   | <u>6,316,116</u>  |                   | <u>150,000</u>   |
|       |  | <u>150,000</u>   |                |                   |   |                   |                   |                  |
|       | A. COUNTY-PAID SICK AND VACATION LEAVE (RESTRICTED/BIENNIAL) |                  |                |                   |   |                   |                   |                  |
|       | 0  | 307,250          | 0              | 0                 | 0 | 307,250           | 0                 | 307,250          |
|       | 0  | 0                | 0              | 307,250           |   |                   |                   |                  |
|       |  | <u>769,557</u>   |                |                   |   | <u>769,557</u>    |                   | <u>0</u>         |
|       |  |                  |                | <u>0</u>          |   |                   |                   |                  |
|       | B. DISTRICT COURT ASSUMPTION (RESTRICTED/BIENNIAL)           |                  |                |                   |   |                   |                   |                  |
|       | 18,660,784   | 0                | 0              | 0                 | 0 | 18,660,784        | 18,650,836        | 0                |
|       | 0  | 0                | 0              | 18,650,836        |   |                   |                   |                  |
| 5.    | Water Courts Supervision (05)                                |                  |                |                   |   |                   |                   |                  |
|       | 0  | 721,012          | 0              | 0                 | 0 | 721,012           | 0                 | 723,776          |
|       | 0  | 0                | 0              | 723,776           |   |                   |                   |                  |
| 6.    | Clerk of Court (06)  |                  |                |                   |   |                   |                   |                  |
|       | 372,962  | 0                | 0              | 0                 | 0 | 372,962           | 372,862           | 0                |
|       | 0  | 0                | 0              | 372,862           |   |                   |                   |                  |
| <hr/> |  |                  |                |                   |   |                   |                   |                  |
| Total | 28,550,018   | 2,643,354        | 390,684        | 0                 | 0 | 31,584,056        | 29,400,442        | 2,619,795        |
|       | 390,018  | 0                | 0              | 32,410,255        |   |                   |                   |                  |
|       | <u>30,638,402</u>  |                  |                | <u>34,507,229</u> |   | <u>33,672,440</u> | <u>31,497,416</u> |                  |
|       | <u>29,544,286</u>  | <u>2,950,604</u> |                | <u>32,823,944</u> |   | <u>32,885,574</u> | <u>29,506,881</u> | <u>2,927,045</u> |
|       |  | <u>3,032,984</u> |                | <u>32,967,954</u> |   | <u>32,967,954</u> |                   | <u>3,035,748</u> |
|       |  |                  |                | <u>32,932,647</u> |   |                   |                   |                  |
|       | <u>29,138,828</u>  | <u>3,645,291</u> | <u>204,341</u> |                   |   | <u>32,988,460</u> | <u>29,101,423</u> | <u>2,878,498</u> |

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204,054

32,183,975

Item 1 includes a reduction in general fund money of \$288,384 in fiscal year 2004 and \$296,974 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The branch may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 1 INCLUDES \$92,978 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$92,812 OF GENERAL FUND MONEY IN FISCAL YEAR 2005 TO PROVIDE FUNDING FOR ADMINISTRATIVE SUPPORT TO THE SUPREME COURT. IF LEGISLATION REVISING CERTAIN DISTRICT COURT EXPENSES IS NOT PASSED AND APPROVED, THEN ITEM 1 IS REDUCED BY \$92,978 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$92,812 OF GENERAL FUND MONEY IN FISCAL YEAR 2005.

If House Bill No. ~~18 261~~ 18 is not passed and approved, item 1 is decreased by ~~\$1,747,342~~ \$1,800,000 \$1,829,722 of state special revenue money in fiscal year 2004 and by ~~\$1,721,019~~ \$1,800,000 \$1,829,722 of state special revenue money in fiscal year 2005.

If House Bill No. ~~18 261~~ 18 is passed and approved, item 1 is decreased by \$35,500 of general fund money in each year of the biennium. The branch may reallocate this reduction in funding among programs in its 2005 biennium operating plans.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$255,458 IN FISCAL YEAR 2004 AND \$255,458 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE BRANCH MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

The supreme court is requested to report on the accomplishments and progress of implementing the branch information technology strategic plan to the general government and transportation appropriation subcommittee during the 2005 legislative session. The report is to include an analysis of the viability for continuance of the branch information technology effort and a list of accomplishments, including but not limited to the goals and objectives established in the branch information technology strategic plan.

ITEM 4 INCLUDES \$1,800,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$1,800,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2005. IF HOUSE BILL NO. 750 IS NOT PASSED AND APPROVED, THEN ITEM 4 IS REDUCED BY \$1,800,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$1,800,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2005.

ITEM 4A INCLUDES \$307,250 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND \$307,250 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005 \$769,557 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AS A RESTRICTED, BIENNIAL APPROPRIATION TO BE USED BY THE JUDICIARY FOR PAYMENT OF THE STATE'S SHARE OF ACCUMULATED ASSUMED VACATION AND SICK LEAVE FOR COUNTY EMPLOYEES WHO BECAME STATE EMPLOYEES ON JULY 1, 2002, UNDER STATE DISTRICT COURT ASSUMPTION. IF LEGISLATION IS NOT PASSED AND APPROVED TO ESTABLISH THIS STATE SPECIAL REVENUE ACCOUNT FOR COUNTY PAYMENTS TO THE STATE FOR ACCUMULATED SICK AND ANNUAL LEAVE, THEN ITEM 4A IS REDUCED BY \$307,250 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$307,250 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2005 VOID.

THE JUDICIARY IS APPROPRIATED IN THE 2005 BIENNIUM UP TO \$1,800,000 IN GENERAL FUND MONEY FROM REVERSIONS OF APPROPRIATIONS OF GENERAL FUND MONEY BY THE JUDICIARY FOR THE 2003 BIENNIUM FOR THE PURPOSES OF FUNDING EXPENSES RELATED TO STATE DISTRICT COURT ASSUMPTION.

**MONTANA CHIROPRACTIC LEGAL PANEL (2115)**

1. Legal Panel Operations (01)

|   |        |   |        |   |        |   |        |
|---|--------|---|--------|---|--------|---|--------|
| 0 | 15,000 | 0 | 0      | 0 | 15,000 | 0 | 15,000 |
| 0 | 0      | 0 | 15,000 | 0 | 0      | 0 | 0      |
| 0 | 0      | 0 | 0      | 0 | 0      | 0 | 0      |
| 0 | 0      | 0 | 0      | 0 | 0      | 0 | 0      |

**Total**

|   |        |   |        |   |        |   |        |
|---|--------|---|--------|---|--------|---|--------|
| 0 | 15,000 | 0 | 0      | 0 | 15,000 | 0 | 15,000 |
| 0 | 0      | 0 | 15,000 | 0 | 0      | 0 | 0      |
| 0 | 0      | 0 | 0      | 0 | 0      | 0 | 0      |
| 0 | 0      | 0 | 0      | 0 | 0      | 0 | 0      |

**GOVERNOR'S OFFICE (3101)**

1. Executive Office Program (01)

|                  |          |   |                  |   |                  |                  |          |
|------------------|----------|---|------------------|---|------------------|------------------|----------|
| 1,315,975        | 429,445  | 0 | 0                | 0 | 1,745,420        | 1,308,634        | 437,288  |
| 0                | 0        | 0 | 1,745,922        | 0 | 0                | 0                | 0        |
| <u>1,356,891</u> |          |   | <u>1,786,203</u> |   | <u>1,786,336</u> | <u>1,348,915</u> |          |
| <u>1,564,179</u> | <u>0</u> |   |                  |   | <u>1,564,179</u> | <u>1,556,203</u> | <u>0</u> |

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|                      |  |           |                      |                   |                      |                      |                    |  |
|----------------------|--|-----------|----------------------|-------------------|----------------------|----------------------|--------------------|--|
|                      |  |           | <u>1,556,203</u>     |                   |                      |                      |                    |  |
| a.                   | Legislative Audit (Restricted/Biennial)                              |           |                      |                   |                      |                      |                    |  |
| 31,546               | 0  | 0         | 0                    | 0                 | 31,546               | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| b.                   | Economic Development (Restricted)                                    |           |                      |                   |                      |                      |                    |  |
| 688,905              | 115,660  | 0         | 0                    | 0                 | 804,565              | 689,575              | 115,926            |  |
| 0                    | 0  | 0         | 805,501              |                   |                      |                      |                    |  |
| c.                   | Computer Equipment (OTO)   |           |                      |                   |                      |                      |                    |  |
| 20,933               | 0  | 0         | 0                    | 0                 | 20,933               | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| D.                   | HB 564 -- WORKFORCE TRAINING ACT                                     |           |                      |                   |                      |                      |                    |  |
| 0                    | <u>5,000,000</u>   | 0         | 0                    | 0                 | <u>5,000,000</u>     | 0                    | <u>5,000,000</u>   |  |
| 0                    | 0  | 0         | <u>5,000,000</u>     |                   |                      |                      |                    |  |
| 2.                   | Mansion Maintenance Program (02)                                     |           |                      |                   |                      |                      |                    |  |
| 79,521               | 0  | 0         | 0                    | 0                 | 79,521               | 79,504               | 0                  |  |
| 0                    | 0  | 0         | 79,504               |                   |                      |                      |                    |  |
| 3.                   | Air Transportation Program (03)                                      |           |                      |                   |                      |                      |                    |  |
| 177,880              | 41,000   | 0         | 0                    | 0                 | 218,880              | 180,000              | 41,000             |  |
| 0                    | 0  | 0         | 221,000              |                   |                      |                      |                    |  |
| 4.                   | Office of Budget and Program Planning (04)                           |           |                      |                   |                      |                      |                    |  |
| 1,057,353            | 0  | 0         | 0                    | 0                 | 1,057,353            | 1,067,025            | 0                  |  |
| 0                    | 0  | 0         | 1,067,025            |                   |                      |                      |                    |  |
| a.                   | Legislative Audit (Restricted/Biennial)                              |           |                      |                   |                      |                      |                    |  |
| 16,824               | 0  | 0         | 0                    | 0                 | 16,824               | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| B.                   | <del>17-7-140 TRIGGER -- COAL TAX PERMANENT FUND (BIENNIAL)</del>    |           |                      |                   |                      |                      |                    |  |
| 0                    | 0  | 0         | 0                    | <u>25,000,000</u> | <u>25,000,000</u>    | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| 0                    | 0  | 0         | 0                    | 0                 | 0                    | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| 5.                   | Indian Affairs (05)  |           |                      |                   |                      |                      |                    |  |
| 136,878              | 0  | 0         | 0                    | 0                 | 136,878              | 137,701              | 0                  |  |
| 0                    | 0  | 0         | 137,701              |                   |                      |                      |                    |  |
| a.                   | State-Tribal Economic Development -- Carryover (Restricted/Biennial) |           |                      |                   |                      |                      |                    |  |
| 0                    | 154,000  | 2,000,000 | 0                    | 0                 | 2,154,000            | 0                    | 0                  |  |
| 0                    | 0  | 0         | 0                    |                   |                      |                      |                    |  |
| 6.                   | Lieutenant Governor (12)   |           |                      |                   |                      |                      |                    |  |
| 246,492              | 0  | 0         | 0                    | 0                 | 246,492              | 247,150              | 0                  |  |
| 0                    | 0  | 0         | 247,150              |                   |                      |                      |                    |  |
| 7.                   | Citizens' Advocate Office (16)                                       |           |                      |                   |                      |                      |                    |  |
| 72,479               | 0  | 15,000    | 0                    | 0                 | 87,479               | 72,380               | 0                  |  |
| 15,000               | 0  | 0         | 87,380               |                   |                      |                      |                    |  |
| 8.                   | Mental Disabilities Board of Visitors (20)                           |           |                      |                   |                      |                      |                    |  |
| 205,939              | 0  | 95,444    | 0                    | 0                 | 301,383              | 205,801              | 0                  |  |
| 95,427               | 0  | 0         | 301,228              |                   |                      |                      |                    |  |
| <hr/>                |  |           |                      |                   |                      |                      |                    |  |
| Total                |  |           |                      |                   |                      |                      |                    |  |
| <del>4,050,725</del> | <del>740,105</del>   | 2,110,444 | 0                    | 0                 | <del>6,901,274</del> | <del>3,987,770</del> | <del>594,214</del> |  |
| 110,427              | 0  | 0         | <del>4,692,411</del> |                   |                      |                      |                    |  |
| <u>4,091,641</u>     |  |           |                      | <u>25,000,000</u> | <u>31,942,190</u>    | <u>4,028,051</u>     |                    |  |
|                      |  |           | <u>4,732,692</u>     |                   |                      |                      |                    |  |
| <u>4,298,929</u>     | <u>5,310,660</u>   |           |                      | 0                 | <u>11,720,033</u>    | <u>4,235,339</u>     | <u>5,156,926</u>   |  |
|                      |  |           | <u>9,502,692</u>     |                   |                      |                      |                    |  |

Item 1 includes a reduction in general fund money of \$40,916 in fiscal year 2004 and \$40,281 in fiscal year 2005. This

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reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The office may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

~~ITEM 1 INCLUDES AN UNSPECIFIED REDUCTION IN GENERAL FUND MONEY OF \$250,000 IN FISCAL YEAR 2004 AND \$250,000 IN FISCAL YEAR 2005. THE OFFICE MAY REALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.~~

~~ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$42,712 IN FISCAL YEAR 2004 AND \$42,712 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.~~

~~ITEM 1D INCLUDES A BIENNIAL APPROPRIATION OF \$10,000,000 IN STATE SPECIAL REVENUE TO THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT FOR THE PRIMARY SECTOR BUSINESS WORKFORCE TRAINING PROGRAM. IF HOUSE BILL NO. 564 IS NOT PASSED AND APPROVED, ITEM 1D IS VOID.~~

~~THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT SHALL DEVELOP A MEMORANDUM OF UNDERSTANDING WITH THE MONTANA TRIBAL GOVERNMENTS TO OUTLINE STRATEGIES FOR COMMUNICATIONS AND COLLABORATIVE EFFORTS THAT CAN BE IMPLEMENTED TO HELP STRENGTHEN THE ECONOMIC DEVELOPMENT OPPORTUNITIES FOR MONTANA'S TRIBAL COMMUNITIES.~~

~~The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2005 legislature to provide required extradition and transportation of prisoners.~~

~~ITEM 4B IS APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND. THIS APPROPRIATION IS SUBJECT TO THE PROVISIONS OF [SECTION 8].~~

~~ITEM 4B IS CONTINGENT UPON CERTIFICATION BY THE GOVERNOR THAT THE REQUIREMENTS OF 17-7-140 HAVE BEEN MET. THE OFFICE OF BUDGET AND PROGRAM PLANNING MAY REALLOCATE THE ADDITIONAL FUNDS AMONG AGENCIES' AND PROGRAMS' GENERAL FUND BUDGETS.~~

SECRETARY OF STATE (3201)

The secretary of state is appropriated up to \$20 million of federal special revenue and up to \$750,000 of state special revenue for the 2005 biennium to provide voter services under the federal Help America Vote Act of 2002. Federal special revenue funds are contingent upon receiving federal grant authority under the Help America Vote Act. State special revenue funds are contingent upon receiving matching funds from local government voting entities. Funding is restricted for use only on expenditures associated with the Help America Vote Act and are biennial appropriations for the 2005 biennium.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)

|  |   |   |                |   |                |                |   |
|--|---|---|----------------|---|----------------|----------------|---|
| 314,426                                    | 0 | 0 | 0              | 0 | 314,426        | 314,350        | 0 |
| 0  | 0 | 0 | 314,350        |   |                |                |   |
| <u>317,655</u>                             |   |   |                |   | <u>317,655</u> | <u>317,525</u> |   |
|  |   |   | <u>317,525</u> |   |                |                |   |
| <u>313,764</u>                             |   |   |                |   | <u>313,764</u> | <u>313,634</u> |   |
|  |   |   | <u>313,634</u> |   |                |                |   |
| a. Legislative Audit (Restricted/Biennial) |   |   |                |   |                |                |   |
| 5,258                                      | 0 | 0 | 0              | 0 | 5,258          | 0              | 0 |
| 0  | 0 | 0 | 0              |   |                |                |   |

Total

|                |   |   |                |   |                |                |   |
|----------------|---|---|----------------|---|----------------|----------------|---|
| 319,684        | 0 | 0 | 0              | 0 | 319,684        | 314,350        | 0 |
| 0              | 0 | 0 | 314,350        |   |                |                |   |
| <u>322,913</u> |   |   |                |   | <u>322,913</u> | <u>317,525</u> |   |
|                |   |   | <u>317,525</u> |   |                |                |   |
| <u>319,022</u> |   |   |                |   | <u>319,022</u> | <u>313,634</u> |   |
|                |   |   | <u>313,634</u> |   |                |                |   |

~~Item 1 includes a reduction in general fund money of \$3,229 in fiscal year 2004 and \$3,175 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.~~

~~ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$3,891 IN FISCAL YEAR 2004 AND \$3,891 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.~~

~~THE COMMISSIONER OF POLITICAL PRACTICES IS ENCOURAGED TO USE THE DEPARTMENT OF JUSTICE, AGENCY LEGAL SERVICES (ALS), FOR ACTIVITIES NEEDING LEGAL AND INVESTIGATIVE ASSISTANCE. THE COMMISSIONER OF POLITICAL PRACTICES SHALL PROVIDE~~

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A REPORT OF LEGAL EXPENDITURE ACTIVITY IN FISCAL YEAR 2004 AND THROUGH DECEMBER 31, 2004, IN FISCAL YEAR 2005 BY CONTRACTED SERVICES AND ALS SERVICES TO THE GENERAL GOVERNMENT AND TRANSPORTATION APPROPRIATION SUBCOMMITTEE DURING THE 2005 LEGISLATIVE SESSION.

OFFICE OF THE STATE AUDITOR (3401)

|    |  |                |   |                |   |                |                  |
|----|--|----------------|---|----------------|---|----------------|------------------|
| 1. | Central Management (01)                                      |                |   |                |   |                |                  |
|    | 0  | 533,129        | 0 | 0              | 0 | 533,129        | 0 533,878        |
|    | 0  | 0              | 0 | 533,878        |   |                |                  |
| a. | Legislative Audit (Restricted/Biennial)                      |                |   |                |   |                |                  |
|    | 0  | 5,363          | 0 | 0              | 0 | 5,363          | 0 0              |
|    | 0  | 0              | 0 | 0              |   |                |                  |
| 2. | Insurance Program (03)                                       |                |   |                |   |                |                  |
|    | 0  | 2,694,089      | 0 | 0              | 0 | 2,694,089      | 0 2,695,835      |
|    | 0  | 0              | 0 | 2,695,835      |   |                |                  |
| a. | Legislative Audit (Restricted/Biennial)                      |                |   |                |   |                |                  |
|    | 0  | 23,344         | 0 | 0              | 0 | 23,344         | 0 0              |
|    | 0  | 0              | 0 | 0              |   |                |                  |
| b. | Contract Examinations (Restricted)                           |                |   |                |   |                |                  |
|    | 0  | 197,000        | 0 | 0              | 0 | 197,000        | 0 301,000        |
|    | 0  | 0              | 0 | 301,000        |   |                |                  |
| c. | <u>MONTANA COMPREHENSIVE HEALTH ASSOCIATION (RESTRICTED)</u> |                |   |                |   |                |                  |
|    | 0  | <u>700,963</u> | 0 | 0              | 0 | <u>700,963</u> | 0 <u>659,600</u> |
|    | 0  | 0              | 0 | <u>659,600</u> |   |                |                  |
| 3. | Securities (04)  |                |   |                |   |                |                  |
|    | 0  | 624,164        | 0 | 0              | 0 | 624,164        | 0 620,033        |
|    | 0  | 0              | 0 | 620,033        |   |                |                  |
| a. | Legislative Audit (Restricted/Biennial)                      |                |   |                |   |                |                  |
|    | 0  | 2,839          | 0 | 0              | 0 | 2,839          | 0 0              |
|    | 0  | 0              | 0 | 0              |   |                |                  |
| b. | Contract Examinations (Restricted)                           |                |   |                |   |                |                  |
|    | 0  | 89,615         | 0 | 0              | 0 | 89,615         | 0 89,615         |
|    | 0  | 0              | 0 | 89,615         |   |                |                  |

Total

|   |                      |   |                      |   |                      |   |                      |
|---|----------------------|---|----------------------|---|----------------------|---|----------------------|
| 0 | <del>4,169,543</del> | 0 | 0                    | 0 | <del>4,169,543</del> | 0 | <del>4,240,361</del> |
| 0 | 0                    | 0 | <del>4,240,361</del> |   |                      |   |                      |
|   | <u>4,870,506</u>     |   |                      |   | <u>4,870,506</u>     |   | <u>4,899,961</u>     |
|   |                      |   | <u>4,899,961</u>     |   |                      |   |                      |

DEPARTMENT OF TRANSPORTATION (5401)

|    |   |             |                        |                        |   |                        |               |
|----|---|-------------|------------------------|------------------------|---|------------------------|---------------|
| 1. | General Operations Program (01) (Biennial)    |             |                        |                        |   |                        |               |
|    | 0   | 14,462,680  | 5,422,198              | 0                      | 0 | 19,884,878             | 0 14,939,562  |
|    | 5,422,277                                     | 0           | 0                      | 20,361,839             |   |                        |               |
| a. | Legislative Audit (Restricted/Biennial)       |             |                        |                        |   |                        |               |
|    | 0   | 110,411     | 0                      | 0                      | 0 | 110,411                | 0 0           |
|    | 0   | 0           | 0                      | 0                      |   |                        |               |
| b. | Integrated Financial Systems (Restricted/OTO) |             |                        |                        |   |                        |               |
|    | 0   | 0           | 2,250,000              | 0                      | 0 | 2,250,000              | 0 0           |
|    | 2,250,000                                     | 0           | 0                      | 2,250,000              |   |                        |               |
| 2. | Construction Program (02) (Biennial)          |             |                        |                        |   |                        |               |
|    | 0   | 116,830,815 | <del>287,854,080</del> | 0                      | 0 | <del>404,684,895</del> | 0 124,299,565 |
|    | <del>341,603,530</del>                        | 0           | 0                      | <del>465,903,095</del> |   |                        |               |
|    |   |             | <u>286,426,815</u>     |                        |   | <u>403,257,630</u>     |               |
|    | <u>340,119,185</u>                            |             |                        | <u>464,418,750</u>     |   |                        |               |
|    |   |             | <u>287,854,080</u>     |                        |   | <u>404,684,895</u>     |               |
|    | <u>341,603,530</u>                            |             |                        | <u>465,903,095</u>     |   |                        |               |

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|                  |   |                    |                  |   |                    |   |                    |
|------------------|---|--------------------|------------------|---|--------------------|---|--------------------|
| a.               | Conversion to English Measure (OTO)                                 |                    |                  |   |                    |   |                    |
| 0                | 1,000,000   | 0                  | 0                | 0 | 1,000,000          | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| <u>B.</u>        | <u>MISDEMEANOR PROBATION OFFICERS FOR DUI OFFENDERS</u>             |                    |                  |   |                    |   |                    |
| 0                | 0   | <u>1,427,265</u>   | 0                | 0 | <u>1,427,265</u>   | 0 | 0                  |
| <u>1,484,345</u> | 0   | 0                  | <u>1,484,345</u> |   |                    |   |                    |
| 0                | 0   | 0                  | 0                | 0 | 0                  | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| <u>B.</u>        | <u>FEDERAL EARMARK PROJECTS (BIENNIAL/OTO)</u>                      |                    |                  |   |                    |   |                    |
| 0                | <u>548,276</u>  | <u>11,000,000</u>  | 0                | 0 | <u>11,548,276</u>  | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| <u>C.</u>        | <u>HB 618 -- COUNTY DRINKING AND DRIVING PREVENTION PROGRAMS</u>    |                    |                  |   |                    |   |                    |
| 0                | <u>383,400</u>  | 0                  | 0                | 0 | <u>383,400</u>     | 0 | <u>511,200</u>     |
| 0                | 0   | 0                  | <u>511,200</u>   |   |                    |   |                    |
| 3.               | Maintenance Program (03) (Biennial)                                 |                    |                  |   |                    |   |                    |
| 0                | 80,475,134  | 10,038,652         | 0                | 0 | 90,513,786         | 0 | 80,768,022         |
| 10,038,652       | 0   | 0                  | 90,806,674       |   |                    |   |                    |
| 4.               | Motor Carrier Services Division (22)                                |                    |                  |   |                    |   |                    |
| 0                | 5,247,636   | 0                  | 0                | 0 | 5,247,636          | 0 | 5,293,111          |
| 0                | 0   | 0                  | 5,293,111        |   |                    |   |                    |
| 5.               | Aeronautics Program (40)  |                    |                  |   |                    |   |                    |
| 0                | 793,704   | 0                  | 0                | 0 | 793,704            | 0 | 823,385            |
| 0                | 0   | 0                  | 823,385          |   |                    |   |                    |
| a.               | Airport Grants (Biennial)   |                    |                  |   |                    |   |                    |
| 0                | 1,033,000   | 0                  | 0                | 0 | 1,033,000          | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| b.               | Statewide Plan Update (Biennial)                                    |                    |                  |   |                    |   |                    |
| 0                | 20,000  | 180,000            | 0                | 0 | 200,000            | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| c.               | West Yellowstone Airport Runway Rehabilitation (Biennial/OTO)       |                    |                  |   |                    |   |                    |
| 0                | 0   | 1,800,000          | 0                | 0 | 1,800,000          | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| d.               | Lincoln Airport Runway Rehabilitation (Biennial/OTO)                |                    |                  |   |                    |   |                    |
| 0                | 180,000   | 1,620,000          | 0                | 0 | 1,800,000          | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| 6.               | Transportation Planning Division (50) (Biennial)                    |                    |                  |   |                    |   |                    |
| 0                | 2,838,624   | 7,155,753          | 0                | 0 | 9,994,377          | 0 | 2,538,866          |
| 8,984,315        | 0   | 0                  | 11,523,181       |   |                    |   |                    |
| a.               | Federal Transit Administration (Restricted)                         |                    |                  |   |                    |   |                    |
| 0                | 0   | 1,528,000          | 0                | 0 | 1,528,000          | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| b.               | Federal Earmark (OTO)   |                    |                  |   |                    |   |                    |
| 0                | 68,664  | 274,657            | 0                | 0 | 343,321            | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| c.               | Multimodal Transportation Corridor Technical Assistant (Restricted) |                    |                  |   |                    |   |                    |
| 0                | 50,000  | 200,000            | 0                | 0 | 250,000            | 0 | 0                  |
| 0                | 0   | 0                  | 0                |   |                    |   |                    |
| <hr/>            |   |                    |                  |   |                    |   |                    |
| Total            |   |                    |                  |   |                    |   |                    |
| 0                | 223,110,668   | 318,323,340        | 0                | 0 | 541,434,008        | 0 | 228,662,511        |
| 368,298,774      | 0   | 0                  | 596,961,285      |   |                    |   |                    |
|                  | <u>223,658,944</u>  | <u>329,323,340</u> |                  |   | <u>552,982,284</u> |   |                    |
|                  | <u>224,042,344</u>  |                    |                  |   | <u>553,365,684</u> |   | <u>229,173,711</u> |
|                  |   |                    | 597,472,485      |   |                    |   |                    |

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The department may adjust appropriations in the general operations, construction, maintenance, and transportation planning programs between state special revenue and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

THE DEPARTMENT MAY ADJUST APPROPRIATIONS IN THE GENERAL OPERATIONS, CONSTRUCTION, MAINTENANCE, AND TRANSPORTATION PLANNING PROGRAMS BETWEEN STATE SPECIAL REVENUE FUNDS AND FEDERAL SPECIAL REVENUE FUNDS IF THE TOTAL STATE SPECIAL REVENUE AUTHORITY FOR THESE PROGRAMS IS NOT INCREASED BY MORE THAN 10% OF THE TOTAL APPROPRIATIONS ESTABLISHED BY THE LEGISLATURE FOR EACH PROGRAM. ALL TRANSFERS BETWEEN STATE SPECIAL REVENUE FUNDS AND FEDERAL SPECIAL REVENUE FUNDS MUST BE FULLY EXPLAINED, JUSTIFIED, AND REPORTED IN ACCORDANCE WITH THE REQUIREMENTS OF 17-7-138 OR 17-7-139, AS APPLICABLE.

All federal special revenue appropriations in the department are biennial.

All appropriations in the general operations, construction, maintenance, and transportation planning programs are biennial.

Item 2 includes a total of \$63,690 for the 2005 biennium for the Montana natural resource information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

~~ITEM 2B INCLUDES FEDERAL SPECIAL REVENUE FUNDS LINKED TO A TRANSFER OF FEDERAL HIGHWAY CONSTRUCTION FUNDS TO HIGHWAY SAFETY FUNDS BECAUSE OF MONTANA NOT MEETING THE FEDERAL REQUIREMENTS FOR AN OPEN CONTAINER LAW. IT IS THE INTENT OF THE LEGISLATURE THAT THE FUNDS IN ITEM 2B ARE TO BE USED BY THE STATE HIGHWAY TRAFFIC SAFETY PROGRAM TO PROVIDE GRANTS TO LOCAL GOVERNMENTS TO FUND MISDEMEANOR PROBATION OFFICERS AS ALLOWED BY 23 U.S.C. 402(B)(1)(B) AND (B)(1)(C). GRANTS AWARDED TO LOCAL GOVERNMENTS WITH FUNDS IN ITEM 2B ARE CONTINGENT UPON LOCAL GOVERNMENTS SUBMITTING GRANT APPLICATIONS THAT MEET NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REQUIREMENTS FOR USE OF HIGHWAY SAFETY FUNDS AND FULFILLING ALL REPORTING AND DOCUMENTATION REQUIREMENTS ESTABLISHED BY THE DEPARTMENT. FUNDS IN ITEM 2B MAY BE USED ONLY TO FUND NEW MISDEMEANOR PROBATION OFFICERS AND MAY NOT BE USED TO SUPPLANT EXISTING MISDEMEANOR PROBATION FUNCTIONS. IF SENATE BILL NO. 39 IS PASSED AND APPROVED, ITEM 2B IS VOID AND FEDERAL SPECIAL REVENUE FUNDS IN ITEM 2 ARE INCREASED BY \$1,427,265 IN FISCAL YEAR 2004 AND BY \$1,484,345 IN FISCAL YEAR 2005.~~

DEPARTMENT OF REVENUE (5801)

|    |  |   |           |                  |          |                  |                  |          |
|----|--|---|-----------|------------------|----------|------------------|------------------|----------|
| 1. | Director's Office (01)                   |   |           |                  |          |                  |                  |          |
|    | 1,812,503                                | 0                                       | 93,553    | 30,072           | 0        | 1,936,128        | 1,818,150        | 0        |
|    | 93,553                                   | 30,072                                  | 0         | 1,941,775        |          |                  |                  |          |
|    | <u>2,113,151</u>                         |   |           |                  |          | <u>2,236,776</u> | <u>2,117,096</u> |          |
|    |  |   |           | <u>2,240,721</u> |          |                  |                  |          |
|    | 1,677,503                                |   |           |                  |          | 1,801,128        | 1,681,448        |          |
|    |  |   |           | <u>1,805,073</u> |          |                  |                  |          |
|    | a.                                       | Legislative Audit (Restricted/Biennial) |           |                  |          |                  |                  |          |
|    | 129,528                                  | 0                                       | 9,800     | 0                | 0        | 139,328          | 0                | 0        |
|    | 0  | 0                                       | 0         | 0                |          |                  |                  |          |
| 2. | Information Technology (02)              |   |           |                  |          |                  |                  |          |
|    | 2,536,850                                | 0                                       | 183,365   | 64,245           | 0        | 2,784,460        | 2,544,528        | 0        |
|    | 183,365                                  | 64,245                                  | 0         | 2,792,138        |          |                  |                  |          |
|    | a.                                       | POINTS Phase I Maintenance (OTO)        |           |                  |          |                  |                  |          |
|    | 300,000                                  | 0                                       | 0         | 0                | 0        | 300,000          | 300,000          | 0        |
|    | 0  | 0                                       | 0         | 300,000          |          |                  |                  |          |
|    | b.                                       | SB 484 -- EMPOWERMENT ZONES (OTO)       |           |                  |          |                  |                  |          |
|    | <u>5,474</u>                             | <u>0</u>                                | <u>0</u>  | <u>0</u>         | <u>0</u> | <u>5,474</u>     | <u>0</u>         | <u>0</u> |
|    | <u>0</u>                                 | <u>0</u>                                | <u>0</u>  | <u>0</u>         |          |                  |                  |          |
| 3. | Resource Management (05)                 |   |           |                  |          |                  |                  |          |
|    | 1,060,772                                | 0                                       | 97,296    | 1,136,301        | 0        | 2,294,369        | 1,062,292        | 0        |
|    | 97,296                                   | 1,142,526                               | 0         | 2,302,114        |          |                  |                  |          |
| 4. | Customer Service Center (06)             |   |           |                  |          |                  |                  |          |
|    | 4,071,916                                | 356,397                                 | 878,199   | 762,765          | 0        | 6,069,277        | 4,081,801        | 357,110  |
|    | 878,199                                  | 762,765                                 | 0         | 6,079,875        |          |                  |                  |          |
| 5. | Compliance Valuation and Resolution (08) |   |           |                  |          |                  |                  |          |
|    | 19,852,596                               | 192,759                                 | 1,109,904 | 0                | 0        | 21,155,259       | 19,788,931       | 196,053  |
|    | 1,109,904                                | 0                                       | 0         | 21,094,888       |          |                  |                  |          |

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|               |  |          |               |          |               |               |          |
|---------------|--|----------|---------------|----------|---------------|---------------|----------|
| <u>A.</u>     | <u>SB 461 -- PROPERTY TAX RELIEF</u>       |          |               |          |               |               |          |
| <u>34,186</u> | <u>0</u>                                   | <u>0</u> | <u>0</u>      | <u>0</u> | <u>34,186</u> | <u>31,032</u> | <u>0</u> |
| <u>0</u>      | <u>0</u>                                   | <u>0</u> | <u>31,032</u> |          |               |               |          |
| <u>B.</u>     | <u>SB 461 -- PROPERTY TAX RELIEF (OTO)</u> |          |               |          |               |               |          |
| <u>65,157</u> | <u>0</u>                                   | <u>0</u> | <u>0</u>      | <u>0</u> | <u>65,157</u> | <u>0</u>      | <u>0</u> |
| <u>0</u>      | <u>0</u>                                   | <u>0</u> | <u>0</u>      |          |               |               |          |

Total

|                   |           |           |                   |   |                   |                   |         |
|-------------------|-----------|-----------|-------------------|---|-------------------|-------------------|---------|
| <u>29,764,165</u> | 549,156   | 2,372,117 | 1,993,383         | 0 | <u>34,678,821</u> | <u>29,595,702</u> | 553,163 |
| 2,362,317         | 1,999,608 | 0         | <u>34,510,790</u> |   |                   |                   |         |
| <u>30,064,813</u> |           |           |                   |   | <u>34,979,469</u> | <u>29,894,648</u> |         |
|                   |           |           | <u>34,809,736</u> |   |                   |                   |         |
| <u>29,733,982</u> |           |           |                   |   | <u>34,648,638</u> | <u>29,490,032</u> |         |
|                   |           |           | <u>34,405,120</u> |   |                   |                   |         |

~~Item 1 includes a reduction in general fund money of \$300,648 in fiscal year 2004 and \$298,946 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.~~

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$435,648 IN FISCAL YEAR 2004 AND \$435,648 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

ITEM 2B IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 484.

Liquor division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profits and taxes to appropriate accounts are appropriated from the liquor enterprise fund (06005) to the department in amounts not to exceed \$67,588,169 in fiscal year 2004 and \$70,782,541 in fiscal year 2005.

In the liquor division, upon a termination that requires a payout of accrued leave balances, liquor division proprietary funds are appropriated from the liquor enterprise fund (06005) to the department in the amount equal to the payout of the accrued leave balances, not to exceed \$30,000 for each of fiscal years 2004 and 2005.

In the event that the department is unable to meet statutory service levels because of the increase in demand for liquor products, the department may hire additional temporary employees or pay overtime, whichever is determined to be the more cost-effective, to maintain required service levels to stores. In fiscal year 2004 and in fiscal year 2005, the department is appropriated not more than \$40,000 each year for additional costs from the liquor enterprise fund.

The department shall present reports to the revenue and transportation interim committee that show the cost of tax compliance staff and the additional revenue generated from providing the associated tax compliance. The department shall identify the costs and revenue separately for the additional staff added during the August 2002 special legislative session. The revenue and transportation interim committee may determine the frequency for reporting by the department on compliance staff revenue.

ITEMS 5A AND 5B ARE CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 461.

DEPARTMENT OF ADMINISTRATION (6101)

|    |   |                |         |                  |                  |                  |                  |
|----|---|----------------|---------|------------------|------------------|------------------|------------------|
| 1. | Governor-Elect Program (02)                         |                |         |                  |                  |                  |                  |
|    | 0   | 0              | 0       | 0                | 0                | 50,000           | 0                |
|    | 0   | 0              | 0       | 50,000           |                  |                  |                  |
| 2. | Administrative Financial Services Division (03)     |                |         |                  |                  |                  |                  |
|    | <u>1,190,512</u>                                    | <u>389,816</u> | 62,708  | 43,776           | 0                | <u>1,686,812</u> | <u>1,180,369</u> |
|    | 62,594  | 43,688         | 0       | <u>1,670,875</u> |                  |                  | <u>384,224</u>   |
|    | <u>1,225,638</u>                                    |                |         |                  |                  | <u>1,721,938</u> | <u>1,215,791</u> |
|    |   |                |         | <u>1,706,297</u> |                  |                  |                  |
|    | <u>1,170,500</u>                                    | <u>411,415</u> |         |                  | <u>1,688,399</u> | <u>1,160,653</u> | <u>423,883</u>   |
|    |   |                |         | <u>1,690,818</u> |                  |                  |                  |
| a. | Legislative Audit (Restricted/Biennial)             |                |         |                  |                  |                  |                  |
|    | 9,902   | 663            | 0       | 0                | 0                | 10,565           | 0                |
|    | 0   | 0              | 0       | 0                |                  |                  |                  |
| b. | Federal Portion of State Fund Dividend (Restricted) |                |         |                  |                  |                  |                  |
|    | 0   | 0              | 100,000 | 0                | 0                | 100,000          | 0                |
|    | 100,000   | 0              | 0       | 100,000          |                  |                  |                  |



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| 3.    | Architecture and Engineering Program (04)                |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 1,218,461            | 0                 | 0                     | 11,542  | 1,230,003             | 0                    | 1,221,118            |
|       | 0  | 0                    | 18,369            | 1,239,487             |         |                       |                      |                      |
| a.    | Legislative Audit (Restricted/Biennial)                  |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 1,769                | 0                 | 0                     | 0       | 1,769                 | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| 4.    | General Services Program (06)                            |                      |                   |                       |         |                       |                      |                      |
|       | 584,790  | 0                    | 0                 | 0                     | 500,000 | 1,084,790             | 582,138              | 0                    |
|       | 0  | 0                    | 500,000           | 1,082,138             |         |                       |                      |                      |
| 5.    | Information Technology Services Division (07)            |                      |                   |                       |         |                       |                      |                      |
|       | 154,646  | 0                    | 469,156           | 0                     | 0       | 623,802               | 155,360              | 0                    |
|       | 469,543  | 0                    | 0                 | 624,903               |         |                       |                      |                      |
| a.    | Legislative Audit (Restricted/Biennial)                  |                      |                   |                       |         |                       |                      |                      |
|       | 3,152  | 0                    | 1,261             | 0                     | 0       | 4,413                 | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| b.    | Public Safety Communications (Restricted/Biennial)       |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 0                    | 2,250,000         | 0                     | 0       | 2,250,000             | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| c.    | Statewide Roadway Centerline GIS (OTO)                   |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 0                    | 29,583            | 0                     | 0       | 29,583                | 0                    | 0                    |
|       | 30,457   | 0                    | 0                 | 30,457                |         |                       |                      |                      |
| 6.    | Banking and Financial Division (14)                      |                      |                   |                       |         |                       |                      |                      |
|       | 0  | <del>2,198,088</del> | 0                 | 0                     | 0       | <del>2,198,088</del>  | 0                    | <del>2,232,411</del> |
|       | 0  | 0                    | 0                 | <del>2,232,411</del>  |         |                       |                      |                      |
|       |  | <u>2,233,299</u>     |                   |                       |         | <u>2,233,299</u>      |                      | <u>2,325,940</u>     |
|       |  |                      | <u>2,325,940</u>  |                       |         |                       |                      |                      |
| a.    | Legislative Audit (Restricted/Biennial)                  |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 2,975                | 0                 | 0                     | 0       | 2,975                 | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| 7.    | Montana State Lottery (15)                               |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 0                    | 0                 | 8,307,564             | 0       | 8,307,564             | 0                    | 0                    |
|       | 0  | 7,295,036            | 0                 | 7,295,036             |         |                       |                      |                      |
| a.    | Legislative Audit (Restricted/Biennial)                  |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 0                    | 0                 | 81,713                | 0       | 81,713                | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| b.    | Professional Service Contracts (Restricted/Biennial/OTO) |                      |                   |                       |         |                       |                      |                      |
|       | 0  | 0                    | 0                 | 160,000               | 0       | 160,000               | 0                    | 0                    |
|       | 0  | 0                    | 0                 | 0                     |         |                       |                      |                      |
| 8.    | State Personnel Division (23)                            |                      |                   |                       |         |                       |                      |                      |
|       | 1,207,161  | 27,543               | 0                 | 0                     | 0       | 1,234,704             | 1,209,084            | 27,543               |
|       | 0  | 0                    | 0                 | 1,236,627             |         |                       |                      |                      |
| 9.    | State Tax Appeal Board (37)                              |                      |                   |                       |         |                       |                      |                      |
|       | 327,301  | 0                    | 0                 | 0                     | 0       | 327,301               | 329,786              | 0                    |
|       | 0  | 0                    | 0                 | 329,786               |         |                       |                      |                      |
| <hr/> |  |                      |                   |                       |         |                       |                      |                      |
| Total |  |                      |                   |                       |         |                       |                      |                      |
|       | <del>3,477,464</del>                                     | <del>3,839,315</del> | 2,912,708         | 8,593,053             | 511,542 | <del>19,334,082</del> | <del>3,506,737</del> | <del>3,865,296</del> |
|       | 662,594  | 7,338,724            | 518,369           | <del>15,891,720</del> |         |                       |                      |                      |
|       | <u>3,512,590</u>   |                      |                   |                       |         | <u>19,369,208</u>     | <u>3,542,159</u>     |                      |
|       |  |                      | <u>15,927,142</u> |                       |         |                       |                      |                      |
|       | <u>3,457,452</u>   | <u>3,896,125</u>     |                   |                       |         | <u>19,370,880</u>     | <u>3,487,021</u>     | <u>3,998,484</u>     |
|       |  |                      | <u>16,005,192</u> |                       |         |                       |                      |                      |

THERE IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT FOR PAYMENTS TO THE MONTANA HIGHWAY PATROL PENSION FUND THE AMOUNT REQUIRED FOR THIS TRANSFER, NOT TO EXCEED \$350,000 FOR EACH FISCAL YEAR.

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Item 2 includes a reduction of \$229,571 in fiscal year 2004 and \$229,571 in fiscal year 2005 of general fund money and like increases in state special revenue that are contingent upon passage and approval of House Bill No. 126 in a form that provides for fines to be deposited in a state special revenue fund. If House Bill No. 126 is passed and approved and revenue deposited in the state special revenue fund is less than the amount of state special revenue contained in item 2, there is appropriated from the general fund up to \$200,000 in fiscal year 2004 and \$200,000 in fiscal year 2005. If House Bill No. 126 is not passed and approved, state special revenue in item 2 is reduced and general fund money is increased by \$229,571 in fiscal year 2004 and by \$229,571 in fiscal year 2005.

Item 2 includes a reduction in general fund money of \$35,126 in fiscal year 2004 and \$35,422 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

IF HOUSE BILL NO. 424 IS NOT PASSED AND APPROVED OR IF HOUSE BILL NO. 424 IS PASSED AND APPROVED IN A FORM THAT ESTABLISHES RESPONSIBILITY FOR ADMINISTERING A TELEMARKETING NO-CALL LIST IN AN AGENCY OTHER THAN THE DEPARTMENT, ITEM 2 IS REDUCED BY \$21,599 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$39,659 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

ITEM 2 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$55,138 IN FISCAL YEAR 2004 AND \$55,138 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

ITEM 2 INCLUDES A REDUCTION OF \$229,571 IN FISCAL YEAR 2004 AND \$229,571 IN FISCAL YEAR 2005 OF GENERAL FUND MONEY AND LIKE INCREASES IN STATE SPECIAL REVENUE. IF REVENUE DEPOSITED IN THE STATE SPECIAL REVENUE FUND IS LESS THAN THE AMOUNT OF STATE SPECIAL REVENUE CONTAINED IN ITEM 2, THERE IS APPROPRIATED FROM THE GENERAL FUND UP TO \$200,000 IN FISCAL YEAR 2004 AND \$200,000 IN FISCAL YEAR 2005.

THE MONTANA STATE LOTTERY SHALL PRESENT A REPORT TO THE JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION OF THE 59TH LEGISLATURE THAT DOCUMENTS THE RETURN ON INVESTMENT OF EACH LOTTERY GAME OFFERED DURING THE 2005 BIENNIUM AND THE ANTICIPATED RETURN ON INVESTMENT FOR EACH LOTTERY GAME PLANNED FOR THE 2007 BIENNIUM. FOR EACH LOTTERY GAME, THE REPORT MUST ITEMIZE DIRECT AND INDIRECT COSTS AND REVENUE.

APPELLATE DEFENDER COMMISSION (6102)

1. Appellate Defender (01)

|                |   |   |                |   |                |                |   |
|----------------|---|---|----------------|---|----------------|----------------|---|
| 178,370        | 0 | 0 | 0              | 0 | 178,370        | 179,194        | 0 |
| 0              | 0 | 0 | 179,194        |   |                |                |   |
| <u>188,194</u> |   |   |                |   | <u>188,194</u> | <u>189,023</u> |   |
|                |   |   | <u>189,023</u> |   |                |                |   |
| <u>185,860</u> |   |   |                |   | <u>185,860</u> | <u>186,689</u> |   |
|                |   |   | <u>186,689</u> |   |                |                |   |

a. Legislative Audit (Restricted/Biennial)

|     |   |   |   |   |     |   |   |
|-----|---|---|---|---|-----|---|---|
| 275 | 0 | 0 | 0 | 0 | 275 | 0 | 0 |
| 0   | 0 | 0 | 0 |   |     |   |   |

Total

|                |   |   |                |   |                |                |   |
|----------------|---|---|----------------|---|----------------|----------------|---|
| 178,645        | 0 | 0 | 0              | 0 | 178,645        | 179,194        | 0 |
| 0              | 0 | 0 | 179,194        |   |                |                |   |
| <u>188,469</u> |   |   |                |   | <u>188,469</u> | <u>189,023</u> |   |
|                |   |   | <u>189,023</u> |   |                |                |   |
| <u>186,135</u> |   |   |                |   | <u>186,135</u> | <u>186,689</u> |   |
|                |   |   | <u>186,689</u> |   |                |                |   |

Item 1 includes a reduction in general fund money of \$1,805 in fiscal year 2004 and \$1,810 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$2,334 IN FISCAL YEAR 2004 AND \$2,334 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

MONTANA CONSENSUS COUNCIL (6106)

1. MONTANA CONSENSUS COUNCIL (01)

|   |         |   |         |   |         |   |         |
|---|---------|---|---------|---|---------|---|---------|
| 0 | 269,270 | 0 | 0       | 0 | 269,270 | 0 | 270,743 |
| 0 | 0       | 0 | 270,743 |   |         |   |         |

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|       |          |                |          |                |          |                |          |                |
|-------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|
| Total | <u>0</u> | <u>269,270</u> | <u>0</u> | <u>0</u>       | <u>0</u> | <u>269,270</u> | <u>0</u> | <u>270,743</u> |
|       | <u>0</u> | <u>0</u>       | <u>0</u> | <u>270,743</u> |          |                |          |                |

TOTAL SECTION A

|                    |                    |                    |                    |                   |                    |                   |                    |
|--------------------|--------------------|--------------------|--------------------|-------------------|--------------------|-------------------|--------------------|
| 74,303,232         | 238,617,824        | 326,109,293        | 10,586,436         | 511,542           | 650,128,327        | 74,752,428        | 243,452,090        |
| 371,824,130        | 9,338,332          | 518,369            | 699,885,349        |                   |                    |                   |                    |
| <u>76,391,616</u>  |                    |                    |                    |                   | <u>652,216,711</u> | <u>76,849,402</u> |                    |
|                    |                    |                    | <u>701,982,323</u> |                   |                    |                   |                    |
| <u>75,967,673</u>  | <u>239,473,350</u> | <u>337,109,293</u> |                    | <u>25,511,542</u> | <u>688,648,294</u> | <u>75,324,987</u> | <u>243,759,340</u> |
|                    |                    |                    | <u>700,765,158</u> |                   |                    |                   |                    |
|                    | <u>239,555,730</u> |                    |                    |                   | <u>688,730,674</u> |                   | <u>243,868,043</u> |
|                    |                    |                    | <u>700,873,861</u> |                   |                    |                   |                    |
| <u>75,418,098</u>  | <u>246,259,035</u> | <u>336,922,950</u> |                    | <u>511,542</u>    | <u>669,698,061</u> | <u>74,701,627</u> | <u>249,958,236</u> |
| <u>371,638,166</u> |                    |                    | <u>706,154,730</u> |                   |                    |                   |                    |

B. HEALTH AND HUMAN SERVICES

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901)

1. Human and Community Services (02)

|                    |         |                    |                    |   |                    |                   |         |
|--------------------|---------|--------------------|--------------------|---|--------------------|-------------------|---------|
| 21,990,958         | 510,251 | 162,721,625        | 0                  | 0 | 185,222,834        | 21,399,664        | 510,251 |
| 162,122,187        | 0       | 0                  | 184,032,102        |   |                    |                   |         |
|                    |         | <u>169,721,625</u> |                    |   | <u>192,222,834</u> |                   |         |
| <u>170,122,187</u> |         |                    | <u>192,032,102</u> |   |                    |                   |         |
| <u>19,744,210</u>  |         | <u>155,622,941</u> |                    |   | <u>175,877,402</u> | <u>19,552,916</u> |         |
| <u>156,023,503</u> |         |                    | <u>176,086,670</u> |   |                    |                   |         |
| 18,499,180         |         | <u>154,122,941</u> |                    |   | <u>173,132,372</u> | <u>20,254,634</u> |         |
| <u>169,622,187</u> |         |                    | <u>190,387,072</u> |   |                    |                   |         |

a. Child Care -- Prevention and Stabilization Fund (Restricted)

|                  |           |          |           |          |                  |          |           |
|------------------|-----------|----------|-----------|----------|------------------|----------|-----------|
| 0                | 6,101,960 | 0        | 0         | 0        | 6,101,960        | 0        | 8,291,981 |
| 0                | 0         | 0        | 8,291,981 |          |                  |          |           |
| <u>6,101,960</u> | <u>0</u>  |          |           |          | <u>8,291,981</u> |          | <u>0</u>  |
| <u>0</u>         | <u>0</u>  | <u>0</u> | <u>0</u>  | <u>0</u> | <u>0</u>         | <u>0</u> | <u>0</u>  |
| <u>0</u>         | <u>0</u>  | <u>0</u> | <u>0</u>  |          |                  |          |           |

b. Additional Tribes Implementing Tribal TANF Plans -- Prevention and Stabilization Fund

|          |          |          |          |          |          |          |          |
|----------|----------|----------|----------|----------|----------|----------|----------|
| 0        | 100,000  | 0        | 0        | 0        | 100,000  | 0        | 100,000  |
| 0        | 0        | 0        | 100,000  |          |          |          |          |
| <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |          |          |          |          |

B. CHILD CARE -- COAL TAX TRUST (BIENNIAL/OTO)

|          |          |          |          |                  |                  |   |   |
|----------|----------|----------|----------|------------------|------------------|---|---|
| 0        | 0        | 0        | 0        | 10,000,000       | 10,000,000       | 0 | 0 |
| <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |                  |                  |   |   |
|          |          |          |          | <u>5,750,000</u> | <u>5,750,000</u> |   |   |

C. CHILD-CARE BASE FUNDING (RESTRICTED)

|                   |          |                   |                   |   |                   |           |   |
|-------------------|----------|-------------------|-------------------|---|-------------------|-----------|---|
| 2,246,748         | 0        | 14,098,684        | 0                 | 0 | 16,345,432        | 1,846,748 | 0 |
| <u>14,098,684</u> | <u>0</u> | <u>0</u>          | <u>15,945,432</u> |   |                   |           |   |
| <u>3,046,748</u>  |          | <u>16,098,684</u> |                   |   | <u>19,145,432</u> | <u>0</u>  |   |
| <u>0</u>          |          |                   | <u>0</u>          |   |                   |           |   |

D. CHILD-CARE FUNDING -- PREVENTION AND STABILIZATION FUND

|          |           |          |                  |   |           |   |           |
|----------|-----------|----------|------------------|---|-----------|---|-----------|
| 0        | 1,000,000 | 0        | 0                | 0 | 1,000,000 | 0 | 1,000,000 |
| <u>0</u> | <u>0</u>  | <u>0</u> | <u>1,000,000</u> |   |           |   |           |

2. Child and Family Services Division (03)

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|                      |   |                      |                       |                   |                      |                   |                      |
|----------------------|---|----------------------|-----------------------|-------------------|----------------------|-------------------|----------------------|
| 19,761,992           | 1,667,550   | 27,436,453           | 0                     | 0                 | 48,865,995           | 19,984,077        | 1,994,550            |
| 28,117,931           | 0   | 0                    | <del>50,096,558</del> |                   |                      |                   |                      |
| <u>19,839,633</u>    |   |                      |                       |                   | <u>48,943,636</u>    | <u>20,061,718</u> |                      |
|                      |   |                      | <u>50,174,199</u>     |                   |                      |                   |                      |
| a.                   | <del>CPS Child Care and Match for Federal Grant -- Prevention and Stabilization Fund (RESTRICTED)</del> |                      |                       |                   |                      |                   |                      |
| 0                    | <del>325,013</del>  | 0                    | 0                     | 0                 | <del>325,013</del>   | 0                 | <del>325,013</del>   |
| 0                    | 0   | 0                    | <del>325,013</del>    |                   |                      |                   |                      |
| <u>325,013</u>       | 0   |                      |                       |                   |                      | <u>325,013</u>    | 0                    |
| 0                    | 0   | 0                    | 0                     | 0                 | 0                    | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
| b.                   | <del>Maintain Domestic Violence Prevention Funding -- Prevention and Stabilization Fund</del>           |                      |                       |                   |                      |                   |                      |
| 0                    | <del>77,641</del>   | 0                    | 0                     | 0                 | <del>77,641</del>    | 0                 | <del>77,641</del>    |
| 0                    | 0   | 0                    | <del>77,641</del>     |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | 0                 | 0                    | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
| 3.                   | Director's Office (04)  |                      |                       |                   |                      |                   |                      |
| 1,034,392            | 222,766   | <del>1,261,395</del> | 0                     | 0                 | <del>2,518,553</del> | 1,037,100         | 223,138              |
| 1,263,529            | 0   | 0                    | 2,523,767             |                   |                      |                   |                      |
|                      |   | <u>1,267,645</u>     |                       |                   | <u>2,524,803</u>     |                   |                      |
| a.                   | Refinancing Authority (OTO)   |                      |                       |                   |                      |                   |                      |
| 0                    | 0   | 5,050,000            | 0                     | 0                 | 5,050,000            | 0                 | 0                    |
| 5,050,000            | 0   | 0                    | 5,050,000             |                   |                      |                   |                      |
| b.                   | <del>General Fund Increase</del>  |                      |                       |                   |                      |                   |                      |
| 8,834,645            | 0   | 0                    | 0                     | 0                 | 8,834,645            | 8,763,853         | 0                    |
| 0                    | 0   | 0                    | <del>8,763,853</del>  |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | 0                 | 0                    | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
| c.                   | <del>GENERAL FUND INCREASE -- HB 750 (BIENNIAL)</del>   |                      |                       |                   |                      |                   |                      |
| <u>2,312,722</u>     | 0   | 0                    | 0                     | 0                 | <u>2,312,722</u>     | <u>2,312,722</u>  | 0                    |
| 0                    | 0   | 0                    | <u>2,312,723</u>      |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | 0                 | 0                    | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
| d.                   | <del>MEDICAID CASELOAD -- COAL TAX TRUST (OTO)</del>  |                      |                       |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | <u>10,202,646</u> | <u>10,202,646</u>    | 0                 | 0                    |
| 0                    | 0   | <u>16,169,049</u>    | <u>16,169,049</u>     |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | 0                 | 0                    | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
| 4.                   | Child Support Enforcement Division (05)   |                      |                       |                   |                      |                   |                      |
| 276,465              | 2,356,446   | 5,226,005            | 0                     | 0                 | 7,858,916            | 276,386           | <del>2,362,080</del> |
| 5,237,458            | 0   | 0                    | <del>7,875,924</del>  |                   |                      |                   |                      |
|                      |   |                      |                       |                   |                      |                   | <u>2,598,402</u>     |
| <u>5,740,318</u>     |   |                      | <u>8,615,106</u>      |                   |                      |                   |                      |
| a.                   | Maintain Funding for CSED -- Prevention and Stabilization Fund  |                      |                       |                   |                      |                   |                      |
| 0                    | 750,000   | 1,500,000            | 0                     | 0                 | 2,250,000            | 0                 | <del>750,000</del>   |
| <del>1,500,000</del> | 0   | 0                    | <del>2,250,000</del>  |                   |                      |                   |                      |
|                      |   |                      |                       |                   |                      |                   | <u>513,678</u>       |
| <u>997,140</u>       |   |                      | <u>1,510,818</u>      |                   |                      |                   |                      |
| b.                   | MAINTAIN FUNDING FOR CSED -- COAL TAX TRUST (BIENNIAL/OTO)  |                      |                       |                   |                      |                   |                      |
| 0                    | 0   | 0                    | 0                     | <u>1,500,000</u>  | <u>1,500,000</u>     | 0                 | 0                    |
| 0                    | 0   | 0                    | 0                     |                   |                      |                   |                      |
|                      |   |                      |                       | <u>250,000</u>    | <u>250,000</u>       |                   |                      |
| 5.                   | Fiscal Services Division (06)   |                      |                       |                   |                      |                   |                      |
| 2,280,658            | <del>264,584</del>  | 2,336,697            | 0                     | 0                 | <del>4,881,939</del> | 2,315,781         | <del>270,196</del>   |
| 2,385,799            | 0   | 0                    | <del>4,971,776</del>  |                   |                      |                   |                      |
|                      | <u>271,668</u>  |                      |                       |                   | <u>4,889,023</u>     |                   | <u>277,280</u>       |

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|----|---|----------------------|-----------------------|------------------------|----------------------|------------------------|-----------------------|----------------------|
|    |   |                      | <u>4,978,860</u>      |                        |                      |                        |                       |                      |
| a. | Legislative Audit (Restricted/Biennial)                                   |                      |                       |                        |                      |                        |                       |                      |
|    | 159,701   | 39,038               | 156,152               | 0                      | 0                    | 354,891                | 0                     | 0                    |
|    | 0   | 0                    | 0                     | 0                      |                      |                        |                       |                      |
| 6. | Health Policy and Services Division (07)                                  |                      |                       |                        |                      |                        |                       |                      |
|    | 1,973,403   | <del>3,108,527</del> | 40,546,464            | 0                      | 0                    | <del>45,628,394</del>  | 1,984,060             | <del>3,100,857</del> |
|    | 40,539,237  | 0                    | 0                     | <del>45,624,154</del>  |                      |                        |                       |                      |
|    |   | <u>3,279,340</u>     |                       |                        |                      | <u>45,799,207</u>      |                       | <u>3,382,670</u>     |
|    |   |                      |                       | <u>45,905,967</u>      |                      |                        |                       |                      |
| a. | MIAMI/Perinatal -- Prevention and Stabilization Fund                      |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | <del>581,379</del>   | 0                     | 0                      | 0                    | <del>581,379</del>     | 0                     | <del>581,379</del>   |
|    | 0   | 0                    | 0                     | <del>581,379</del>     |                      |                        |                       |                      |
|    |   | <u>550,000</u>       |                       |                        |                      | <u>550,000</u>         |                       | <u>550,000</u>       |
|    |   |                      |                       | <u>550,000</u>         |                      |                        |                       |                      |
| b. | <del>WIC Farmer's Market Match -- Prevention and Stabilization Fund</del> |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | <del>12,828</del>    | 0                     | 0                      | 0                    | <del>12,828</del>      | 0                     | <del>12,828</del>    |
|    | 0   | 0                    | 0                     | <del>12,828</del>      |                      |                        |                       |                      |
|    | 0   | 0                    | 0                     | 0                      | 0                    | 0                      | 0                     | 0                    |
|    | 0   | 0                    | 0                     | 0                      |                      |                        |                       |                      |
| c. | Poison Control System -- Prevention and Stabilization Fund                |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | 38,954               | 0                     | 0                      | 0                    | 38,954                 | 0                     | 38,954               |
|    | 0   | 0                    | 0                     | 38,954                 |                      |                        |                       |                      |
| d. | AIDS Treatment/Services -- Prevention and Stabilization Fund              |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | 42,000               | 0                     | 0                      | 0                    | 42,000                 | 0                     | 42,000               |
|    | 0   | 0                    | 0                     | 42,000                 |                      |                        |                       |                      |
| e. | Tobacco Control and Prevention  |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | 3,200,000            | 843,305               | 0                      | 0                    | 4,043,305              | 0                     | 3,200,000            |
|    | 843,249   | 0                    | 0                     | 4,043,249              |                      |                        |                       |                      |
| f. | <del>MIAMI -- COAL TAX TRUST (BIENNIAL/OTO)</del>                         |                      |                       |                        |                      |                        |                       |                      |
|    | 0   | 0                    | 0                     | 0                      | <del>1,162,758</del> | <del>1,162,758</del>   | 0                     | 0                    |
|    | 0   | 0                    | 0                     | 0                      |                      |                        |                       |                      |
|    | 0   | 0                    | 0                     | 0                      | 0                    | 0                      | 0                     | 0                    |
|    | 0   | 0                    | 0                     | 0                      |                      |                        |                       |                      |
| 7. | Quality Assurance Division (08)   |                      |                       |                        |                      |                        |                       |                      |
|    | 2,195,529   | 271,018              | 5,214,341             | 0                      | 0                    | 7,680,888              | 2,193,872             | 270,982              |
|    | 5,215,120   | 0                    | 0                     | 7,679,974              |                      |                        |                       |                      |
| 8. | Operations and Technology Division (09)                                   |                      |                       |                        |                      |                        |                       |                      |
|    | <del>9,006,907</del>  | 927,614              | 15,266,054            | 0                      | 0                    | <del>25,200,575</del>  | <del>9,052,065</del>  | 937,117              |
|    | 15,320,918  | 0                    | 0                     | <del>25,310,100</del>  |                      |                        |                       |                      |
|    | <u>2,006,907</u>  |                      |                       |                        |                      | <u>18,200,575</u>      | <u>1,052,065</u>      |                      |
|    |   |                      |                       | <u>17,310,100</u>      |                      |                        |                       |                      |
|    | <u>8,506,907</u>  |                      |                       |                        |                      | <u>24,700,575</u>      | <u>8,552,065</u>      |                      |
|    |   |                      |                       | <u>24,810,100</u>      |                      |                        |                       |                      |
| 9. | Disability Services Division (10)   |                      |                       |                        |                      |                        |                       |                      |
|    | <del>43,340,339</del>   | 1,216,410            | <del>79,069,620</del> | 0                      | 0                    | <del>123,626,369</del> | <del>41,044,375</del> | 1,246,803            |
|    | 80,332,842  | 0                    | 0                     | <del>122,624,020</del> |                      |                        |                       |                      |
|    | <u>43,425,173</u>   |                      |                       |                        |                      | <u>123,711,203</u>     | <u>41,129,209</u>     |                      |
|    |   |                      |                       | <u>122,708,854</u>     |                      |                        |                       |                      |
|    |   | <u>81,035,147</u>    |                       |                        |                      | <u>125,676,730</u>     |                       |                      |
|    | <u>81,851,679</u>   |                      |                       | <u>124,227,691</u>     |                      |                        |                       |                      |
| a. | Eastmont Change of Mission (Restricted/OTO)                               |                      |                       |                        |                      |                        |                       |                      |
|    | 580,000   | 0                    | 0                     | 0                      | 0                    | 580,000                | 0                     | 0                    |
|    | 0   | 0                    | 0                     | 0                      |                      |                        |                       |                      |
| b. | Children's Services Refinancing (OTO)                                     |                      |                       |                        |                      |                        |                       |                      |
|    | 1,000,000   | 0                    | 0                     | 0                      | 0                    | 1,000,000              | 0                     | 0                    |

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|-----|---|-----------|-------------|-------------|---|-------------|------------|
|     | 0   | 0         | 0           | 0           |   |             |            |
| c.  | <del>Visual Services Medical -- Prevention and Stabilization Fund</del>                 |           |             |             |   |             |            |
|     | 0   | 84,834    | 0           | 0           | 0 | 84,834      | 0          |
|     | 0   | 0         | 0           | 84,834      | 0 | 0           | 0          |
|     | 0   | 0         | 0           | 0           | 0 | 0           | 0          |
|     | 0   | 0         | 0           | 0           | 0 | 0           | 0          |
| d.  | Extended Employment Benefits -- Prevention and Stabilization Fund                       |           |             |             |   |             |            |
|     | 0   | 270,639   | 0           | 0           | 0 | 270,639     | 0          |
|     | 0   | 0         | 0           | 270,639     | 0 | 0           | 270,639    |
| e.  | Independent Living Services -- Prevention and Stabilization Fund                        |           |             |             |   |             |            |
|     | 0   | 228,766   | 0           | 0           | 0 | 228,766     | 0          |
|     | 0   | 0         | 0           | 228,766     | 0 | 0           | 228,766    |
| f.  | <del>Donated Dental Services -- Prevention and Stabilization Fund (RESTRICTED)</del>    |           |             |             |   |             |            |
|     | 0   | 25,000    | 0           | 0           | 0 | 25,000      | 0          |
|     | 0   | 0         | 0           | 25,000      | 0 | 0           | 25,000     |
|     | 25,000  | 0         | 0           | 0           | 0 | 25,000      | 0          |
| g.  | <del>Medicaid Match -- Prevention and Stabilization Fund</del>                          |           |             |             |   |             |            |
|     | 0   | 1,176,797 | 0           | 0           | 0 | 1,176,797   | 0          |
|     | 0   | 0         | 0           | 1,864,975   | 0 | 0           | 1,864,975  |
|     | 1,176,797   | 0         | 0           | 0           | 0 | 1,864,975   | 0          |
| h.  | MTAP Video Relay (OTO)  |           |             |             |   |             |            |
|     | 0   | 144,600   | 0           | 0           | 0 | 144,600     | 0          |
|     | 0   | 0         | 0           | 144,600     | 0 | 0           | 144,600    |
| 10. | Child and Adult Health Care Resources (11)  |           |             |             |   |             |            |
|     | 56,319,712  | 6,955,446 | 205,860,470 | 0           | 0 | 269,135,628 | 58,317,710 |
|     | 214,093,023   | 0         | 0           | 280,288,581 | 0 | 0           | 7,877,848  |
|     | 56,921,235  | 0         | 204,056,082 | 0           | 0 | 267,932,763 | 59,553,721 |
|     | 211,989,296   | 0         | 0           | 279,420,865 | 0 | 0           | 0          |
|     | 217,190,426   | 7,058,146 | 204,335,066 | 286,691,723 | 0 | 268,314,447 | 9,947,576  |
| a.  | Children's Mental Health Services   |           |             |             |   |             |            |
|     | 16,969,571  | 728,591   | 51,670,979  | 0           | 0 | 69,369,141  | 19,112,294 |
|     | 57,780,335  | 0         | 0           | 77,614,452  | 0 | 0           | 721,823    |
| b.  | Rate Increase for Out-of-Home Care  |           |             |             |   |             |            |
|     | 101,261   | 0         | 272,120     | 0           | 0 | 373,381     | 103,099    |
|     | 270,855   | 0         | 0           | 373,954     | 0 | 0           | 0          |
| c.  | <del>Children's Mental Health Medicaid Match -- Prevention and Stabilization Fund</del> |           |             |             |   |             |            |
|     | 0   | 1,314,712 | (855,340)   | 0           | 0 | 459,372     | 0          |
|     | (938,989)   | 0         | 0           | 1,144,553   | 0 | 0           | 2,083,542  |
|     | 1,314,712   | 0         | 3,533,046   | 0           | 0 | 4,847,758   | 2,083,542  |
|     | 5,473,738   | 0         | 0           | 7,557,280   | 0 | 0           | 0          |
| d.  | Restore Mental Health Medicaid Rates -- Prevention and Stabilization Fund               |           |             |             |   |             |            |
|     | 0   | 318,288   | 855,340     | 0           | 0 | 1,173,628   | 0          |
|     | 938,989   | 0         | 0           | 1,296,409   | 0 | 0           | 357,420    |
|     | 836,006   | 283,380   | 761,531     | 1,154,226   | 0 | 1,044,911   | 318,220    |
| e.  | Primary Care Medicaid Services -- Prevention and Stabilization Fund                     |           |             |             |   |             |            |
|     | 0   | 4,483,981 | 12,049,872  | 0           | 0 | 16,533,853  | 0          |
|     | 18,668,828  | 0         | 0           | 25,774,994  | 0 | 0           | 7,106,166  |
|     | 4,483,981   | 0         | 0           | 0           | 0 | 4,483,981   | 7,106,166  |
|     | 0   | 0         | 0           | 7,106,166   | 0 | 0           | 0          |
|     | 18,668,828  | 0         | 12,049,872  | 25,774,994  | 0 | 16,533,853  | 0          |
| f.  | <del>Optional Medicaid Services -- Prevention and Stabilization Fund</del>              |           |             |             |   |             |            |
|     | 0   | 250,000   | 671,829     | 0           | 0 | 921,829     | 0          |

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|  |           |             |             |   |             |            |           |
|--|-----------|-------------|-------------|---|-------------|------------|-----------|
| 656,783  | 0         | 0           | 906,783     |   |             |            |           |
| 0  | 0         | 0           | 0           | 0 | 0           | 0          | 0         |
| 0  | 0         | 0           | 0           |   |             |            |           |
| <del>g. Restore Nonhospital Medicaid Rates -- Prevention Stabilization Fund</del>                          |           |             |             |   |             |            |           |
| 0  | 806,029   | 2,166,053   | 0           | 0 | 2,972,082   | 0          | 898,404   |
| 2,360,227  | 0         | 0           | 3,258,631   |   |             |            |           |
| 0  | 0         | 0           | 0           | 0 | 0           | 0          | 0         |
| 0  | 0         | 0           | 0           |   |             |            |           |
| F. FEDERAL MATCHING FUNDS FOR CHIP (RESTRICTED/BIENNIAL)   |           |             |             |   |             |            |           |
| 0  | 0         | 2,100,000   | 0           | 0 | 2,100,000   | 0          | 0         |
| 0  | 0         | 0           | 0           |   |             |            |           |
| 11. Senior and Long-Term Care Division (22)  |           |             |             |   |             |            |           |
| 39,256,170   | 6,710,828 | 114,972,156 | 0           | 0 | 160,939,154 | 38,720,653 | 6,744,331 |
| 109,719,360  | 0         | 0           | 155,184,344 |   |             |            |           |
|  |           | 113,627,340 |             |   | 159,594,338 |            |           |
|  | 6,714,700 |             |             |   | 159,598,210 |            | 6,752,075 |
|  |           | 155,192,088 |             |   |             |            |           |
| a. One-Time Medicaid Payments to Nursing Homes   |           |             |             |   |             |            |           |
| 0  | 6,077,957 | 16,317,456  | 0           | 0 | 22,395,413  | 0          | 7,089,712 |
| 18,832,208   | 0         | 0           | 25,921,920  |   |             |            |           |
|  | 5,765,245 | 15,477,102  |             |   | 21,242,347  |            | 6,660,796 |
| 17,705,388   |           |             | 24,366,184  |   |             |            |           |
|  | 6,077,957 | 16,317,456  |             |   | 22,395,413  |            | 7,089,712 |
| 18,832,208   |           |             | 25,921,920  |   |             |            |           |
| b. Hospice Program -- Prevention and Stabilization Fund  |           |             |             |   |             |            |           |
| 0  | 174,466   | 468,845     | 0           | 0 | 643,311     | 0          | 193,048   |
| 507,162  | 0         | 0           | 700,210     |   |             |            |           |
|  | 170,000   | 467,593     |             |   | 637,593     |            | 170,000   |
| 457,121  |           |             | 627,121     |   |             |            |           |
| c. Aging Services -- Prevention and Stabilization Fund   |           |             |             |   |             |            |           |
| 0  | 257,000   | 0           | 0           | 0 | 257,000     | 0          | 257,000   |
| 0  | 0         | 0           | 257,000     |   |             |            |           |
| 0  | 0         | 0           | 0           | 0 | 0           | 0          | 0         |
| 0  | 0         | 0           | 0           |   |             |            |           |
| d. Adult Protective Services -- Prevention and Stabilization Fund  |           |             |             |   |             |            |           |
| 0  | 50,000    | 0           | 0           | 0 | 50,000      | 0          | 50,000    |
| 0  | 0         | 0           | 50,000      |   |             |            |           |
| 0  | 0         | 0           | 0           | 0 | 0           | 0          | 0         |
| 0  | 0         | 0           | 0           |   |             |            |           |
| e D.C. Home Based Therapy Services -- Prevention and Stabilization Fund                                    |           |             |             |   |             |            |           |
| 0  | 34,000    | 91,369      | 0           | 0 | 125,369     | 0          | 34,000    |
| 89,322   | 0         | 0           | 123,322     |   |             |            |           |
| f E.D. Direct Care Worker Increase -- Prevention and Stabilization Fund COUNTY NURSING HOME IGT HB 721     |           |             |             |   |             |            |           |
| 0  | 88,632    | 238,181     | 0           | 0 | 326,813     | 0          | 191,065   |
| 501,954  | 0         | 0           | 693,019     |   |             |            |           |
|  | 43,870    | 117,892     |             |   | 161,762     |            | 94,571    |
| 248,449  |           |             | 343,020     |   |             |            |           |
| g F.E. Restore Community Services Rate -- Prevention and Stabilization Fund COUNTY NURSING HOME IGT HB 721 |           |             |             |   |             |            |           |
| 0  | 261,917   | 612,484     | 0           | 0 | 874,401     | 0          | 278,014   |
| 641,057  | 0         | 0           | 919,071     |   |             |            |           |
|  | 224,080   | 602,173     |             |   | 826,253     |            | 237,851   |
| 624,866  |           |             | 862,717     |   |             |            |           |
|  | 118,831   | 319,337     |             |   | 438,168     |            | 117,728   |
| 309,287  |           |             | 427,015     |   |             |            |           |
| h G.F. Senior/Disabled Services Medicaid Match -- Prevention and Stabilization Fund                        |           |             |             |   |             |            |           |

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|                       |  |                        |                          |                   |                          |                    |                      |           |
|-----------------------|--|------------------------|--------------------------|-------------------|--------------------------|--------------------|----------------------|-----------|
|                       | 0  | 2,793,584              | 6,162,425                | 0                 | 0                        | 8,956,009          | 0                    | 4,427,242 |
| 11,630,944            | 0  | 0                      | 16,058,186               |                   |                          |                    |                      |           |
| <u>2,793,584</u>      | <u>0</u>   | <u>7,507,214</u>       |                          |                   | <u>10,300,798</u>        | <u>4,427,242</u>   | <u>0</u>             |           |
| H.G.                  | CIGARETTE TAX REVENUE -- VETERANS' HOMES (RESTRICTED/BIENNIAL)               |                        |                          |                   |                          |                    |                      |           |
| 0                     | <u>250,000</u>   | <u>0</u>               | <u>0</u>                 | <u>0</u>          | <u>250,000</u>           | <u>0</u>           | <u>250,000</u>       |           |
| 0                     | <u>0</u>   | <u>0</u>               | <u>250,000</u>           |                   |                          |                    |                      |           |
| 12.                   | Addictive and Mental Disorders Division (33)                                 |                        |                          |                   |                          |                    |                      |           |
| 38,242,924            | 4,723,714  | <del>33,564,796</del>  | 0                        | 0                 | <del>76,531,434</del>    | 38,948,846         | 4,813,319            |           |
| <del>34,429,491</del> | 0  | 0                      | <del>78,191,656</del>    |                   |                          |                    |                      |           |
|                       |  | <u>33,680,598</u>      |                          |                   | <u>76,647,236</u>        |                    |                      |           |
| <u>34,606,007</u>     |  |                        | <u>78,368,172</u>        |                   |                          |                    |                      |           |
| a.                    | Federal Mental Health Block Grant (Restricted)                               |                        |                          |                   |                          |                    |                      |           |
| 0                     | 0  | 1,300,525              | 0                        | 0                 | 1,300,525                | 0                  | 0                    |           |
| 1,300,525             | 0  | 0                      | 1,300,525                |                   |                          |                    |                      |           |
| b.                    | Prescription Drugs for Mentally Ill -- Prevention and Stabilization Fund     |                        |                          |                   |                          |                    |                      |           |
| 0                     | <del>4,427,321</del>   | 0                      | 0                        | 0                 | <del>4,427,321</del>     | 0                  | <del>4,958,599</del> |           |
| 0                     | 0  | 0                      | <del>4,958,599</del>     |                   |                          |                    |                      |           |
|                       | <u>3,250,000</u>   |                        |                          |                   | <u>3,250,000</u>         |                    | <u>3,250,000</u>     |           |
|                       |  |                        | <u>3,250,000</u>         |                   |                          |                    |                      |           |
| c.                    | Restore Mental Health Medicaid Rates -- Prevention and Stabilization Fund    |                        |                          |                   |                          |                    |                      |           |
| 0                     | <del>104,967</del>   | <del>282,079</del>     | 0                        | 0                 | <del>387,046</del>       | 0                  | <del>117,873</del>   |           |
| <del>309,668</del>    | 0  | 0                      | <del>427,541</del>       |                   |                          |                    |                      |           |
|                       | <u>93,455</u>  | <u>251,142</u>         |                          |                   | <u>344,597</u>           |                    | <u>104,945</u>       |           |
| <u>275,705</u>        |  |                        | <u>380,650</u>           |                   |                          |                    |                      |           |
| d.                    | Mental Health Medicaid Match -- <del>Prevention and Stabilization Fund</del> |                        |                          |                   |                          |                    |                      |           |
| 0                     | <del>433,574</del>   | 1,165,151              | 0                        | 0                 | 1,598,725                | 0                  | 687,124              |           |
| 1,805,164             | 0  | 0                      | 2,492,288                |                   |                          |                    |                      |           |
| <u>433,574</u>        | <u>0</u>   |                        |                          |                   |                          | <u>687,124</u>     | <u>0</u>             |           |
| E.                    | MHSP PRESCRIPTION DRUGS -- COAL TAX TRUST (BIENNIAL/OTO)                     |                        |                          |                   |                          |                    |                      |           |
| 0                     | <u>0</u>   | <u>0</u>               | <u>0</u>                 | <u>6,000,000</u>  | <u>6,000,000</u>         | <u>0</u>           | <u>0</u>             |           |
| 0                     | <u>0</u>   | <u>0</u>               | <u>0</u>                 |                   |                          |                    |                      |           |
|                       |  |                        |                          | <u>4,000,000</u>  | <u>4,000,000</u>         |                    |                      |           |
| <hr/>                 |  |                        |                          |                   |                          |                    |                      |           |
| Total                 |  |                        |                          |                   |                          |                    |                      |           |
| 263,324,627           | 64,739,622   | <del>794,494,901</del> | 0                        | 0                 | <del>1,122,559,150</del> | 263,253,835        | 76,091,114           |           |
| 821,525,176           | 0  | 0                      | <del>1,160,870,125</del> |                   |                          |                    |                      |           |
| <u>265,739,990</u>    | <u>64,714,622</u>  |                        |                          |                   | <u>1,124,949,513</u>     | <u>265,669,199</u> | <u>76,066,114</u>    |           |
|                       |  | <u>1,163,260,489</u>   |                          |                   |                          |                    |                      |           |
| <u>265,481,628</u>    | <u>53,030,093</u>  | <u>800,506,127</u>     |                          |                   | <u>1,119,017,848</u>     | <u>272,082,517</u> | <u>58,204,279</u>    |           |
| <u>829,850,671</u>    |  | <u>1,160,137,467</u>   |                          |                   |                          |                    |                      |           |
| <u>264,908,601</u>    | <u>46,603,120</u>  |                        |                          | <u>28,865,404</u> | <u>1,140,883,252</u>     | <u>272,699,511</u> | <u>49,587,285</u>    |           |
|                       |  | <u>16,169,049</u>      | <u>1,168,306,516</u>     |                   |                          |                    |                      |           |
| <u>264,536,598</u>    | <u>46,533,704</u>  | <u>805,668,119</u>     |                          | <u>10,000,000</u> | <u>1,126,738,421</u>     | <u>270,437,487</u> | <u>51,093,799</u>    |           |
| <u>836,441,387</u>    |  | <u>0</u>               | <u>1,157,972,673</u>     |                   |                          |                    |                      |           |

IF BUDGET REDUCTIONS ARE ENACTED BY EMERGENCY RULE IN THE 2005 BIENNIIUM, THE LEGISLATURE URGES THE DEPARTMENT TO PROVIDE A 30-DAY PUBLIC NOTICE AND TO CONDUCT A PUBLIC HEARING PRIOR TO ADOPTION OF THE EMERGENCY RULES.

Item 1 includes ~~\$33,269,235~~ \$31,769,235 of federal funds in fiscal year 2004 and ~~\$33,269,235~~ \$31,769,235 of federal funds in fiscal year 2005 to fund cash assistance benefits provided under Montana's temporary assistance for needy families (TANF) grant. If caseloads decrease below this level of funding, resulting in a surplus of federal TANF funds, the first \$4 million of surplus funds will be designated as a "rainy day" fund. The rainy day fund may be used for benefit expenditures that may be necessary as a result of future caseload increases or decreases in the federal TANF grant allocation. Surplus funds in excess of \$4 million dollars may be used for other allowable purposes under state and federal law. Expenditures of surplus funds in excess of \$4 million may be made to provide recipients covered by Montana's TANF plan: THE FOLLOWING PRIORITIES MAY BE FUNDED:



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- (1) child-care subsidies;
- (2) A "RAINY DAY" FUND OF UP TO \$4 MILLION;
- ~~(2)(3)~~ training and education programs to achieve employment in higher wage jobs, including programs offered by tribal colleges; or
- ~~(3)(4)~~ supportive services needed for employment of TANF recipients.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$1,245,030 IN FISCAL YEAR 2004 AND \$1,245,030 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

Items 1D, 1a, 1b, 2a, 2b, 4a, 6a through 6d, 9e through 9e, 9g, 10e through 10g, 11b through 11h, and 12b through and 12d 6C, 9C, 9D, 10D, 11B THROUGH 11B, 11C, 12B, AND 12C are contingent upon passage and approval of a bill or bills that establish a state special revenue account for prevention and stabilization of department programs that receives at least \$32 million of estimated revenue each year of the 2005 biennium \$13.7 MILLION OF ESTIMATED REVENUE IN FISCAL YEAR 2004 AND \$16.5 MILLION OF ESTIMATED REVENUE IN FISCAL YEAR 2005 from cigarette and chew tobacco taxes, reallocation of tobacco settlement proceeds allocated by 17-6-606 (2); and other sources.

Funding in item 1a 1C may be used only to provide child-care subsidies; except if Montana receives federal child-care funding greater than the level of federal child-care funding received in fiscal year 2002 (not including TANF grant funds transferred to child care), a portion of the funds in item 1a may be used to provide benefits and services under Montana's TANF program. IN AN EFFORT TO STABILIZE, DECREASE, OR DECREASE THE RATE OF GROWTH IN THE TANF CASH ASSISTANCE CASELOAD, THE LEGISLATURE HAS APPROPRIATED \$25,600,000 FOR CHILD-CARE SERVICES IN FISCAL YEAR 2004. IT IS THE LEGISLATURE'S INTENT THAT THIS FUNDING IS TO BE FULLY EXPENDED FOR CHILD-CARE SERVICES IN FISCAL YEAR 2004.

IF HOUSE BILL NO. 2 IS PASSED AND APPROVED IN A FORM THAT INCLUDES AT LEAST \$10 MILLION OF CHILD-CARE FUNDING FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL, THEN THE APPROPRIATION IN ITEM 1A IS VOID. ARTICLE IX, SECTION 5, OF THE MONTANA CONSTITUTION REQUIRES A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE FOR APPROVAL.

ITEMS 1B, 3B, 4B, 6E, AND 12E 1B, 4B, AND 12E ARE APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL. THESE APPROPRIATIONS ARE SUBJECT TO THE PROVISIONS OF [SECTION 8].

FUNDS IN ITEM 1C MAY BE USED ONLY TO PROVIDE CHILD-CARE SUBSIDIES TO LOW-INCOME FAMILIES, EXCEPT A PORTION OF THIS FUNDING MAY BE USED TO SUPPORT CHILD-CARE QUALITY ACTIVITIES AT THE MINIMUM LEVEL REQUIRED TO MAINTAIN MONTANA'S ELIGIBILITY FOR THE FEDERAL CHILD-CARE DEVELOPMENT FUND GRANT.

ITEM 2 INCLUDES \$77,641 IN GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$77,641 IN GENERAL FUND MONEY IN FISCAL YEAR 2005 THAT MAY BE USED ONLY TO SUPPORT THE PROVISION OF DOMESTIC VIOLENCE PREVENTION SERVICES.

FUNDING IN ITEM 2A MAY BE EXPENDED ONLY FOR SERVICES THAT ARE ELIGIBLE FOR FEDERAL CHILD-CARE DEVELOPMENT FUND MATCHING FUNDS AND THAT ALLOW MONTANA TO DRAW FEDERAL CHILD-CARE MATCHING FUNDS.

IF SENATE BILL NO. 473 IS NOT PASSED AND APPROVED, THE FUNDING IN: ITEM 3 IS DECREASED BY \$6,250 IN FEDERAL FUNDS IN FISCAL YEAR 2004; ITEM 5 IS DECREASED BY \$7,084 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$7,084 IN FEDERAL FUNDS IN FISCAL YEAR 2004 AND BY \$28,333 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2005 AND BY \$28,333 IN FEDERAL FUNDS IN FISCAL YEAR 2005; AND ITEM 10 IS DECREASED BY \$102,700 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$278,984 IN FEDERAL FUNDS IN FISCAL YEAR 2004 AND BY \$2,069,728 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2005 AND BY \$5,201,130 IN FEDERAL FUNDS IN FISCAL YEAR 2005.

Personal services funding for 5 FTE in item 3a is considered a one-time appropriation.

THE DEPARTMENT MAY REALLOCATE THE FUNDING IN ITEM 3C AMONG DIVISIONS OR PROGRAMS WHEN DEVELOPING THE 2005 BIENNIUM OPERATING PLANS. IF HOUSE BILL NO. 750 IS NOT PASSED AND APPROVED, THEN ITEM 3C IS REDUCED BY \$2,312,722 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$2,312,723 OF GENERAL FUND MONEY IN FISCAL YEAR 2005.

ITEM 6 INCLUDES A BIENNIAL APPROPRIATION OF \$250,000 IN FEDERAL FUNDS FOR THE PURCHASE OF RADIOS FOR AMBULANCES THAT SERVE CRITICAL ACCESS HOSPITALS. THE AMBULANCE RADIOS PURCHASED MUST BE MODERN DIGITAL RADIOS THAT ALLOW ENCRYPTED DATA AND VOICE TRANSMISSIONS FROM THE FIELD UNIT USING A SINGLE RADIO. THE APPROPRIATIONS ARE MADE FROM FEDERAL BIOTERRORISM AND HOSPITAL PREPAREDNESS GRANT FUNDS.

IF SENATE BILL NO. 464 IS NOT PASSED AND APPROVED, THE FUNDING IN ITEM 6 IS REDUCED BY \$161,925 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$268,200 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

Item ~~6e~~ 6D includes \$80,000 each year for each federally recognized tribe within Montana in accordance with 17-6-602(3)(b)(ii) that submits and administers a tobacco prevention and control program that meets the conditions required of all community-based contractors. If tobacco prevention and control funds granted to a federally recognized tribe within Montana are not fully expended by the individual grantee within the contract period, these funds may be reallocated for other tobacco use prevention purposes.

ITEM 8 INCLUDES A REDUCTION OF \$7,000,000 IN GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$8,000,000 IN GENERAL

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FUND MONEY IN FISCAL YEAR 2005. THE DEPARTMENT MAY REALLOCATE THIS REDUCTION IN THE FOLLOWING MANNER AND PRIORITY LEVEL:

- (1) PART (C) SERVICES FOR DEVELOPMENTALLY DISABLED CHILDREN;
- (2) CHANGES IN MEDICALLY NEEDED PROGRAM ELIGIBILITY;
- (3) OPERATING COSTS;
- (4) CHANGES IN MENTAL HEALTH SERVICES FOR ADULTS WHO ARE NOT ELIGIBLE FOR MEDICAID;

If House Bill No. 727 is not passed and approved, funding in item 9 is increased by \$1,915,198 of general fund money in fiscal year 2004 and by \$1,915,952 of general fund money in fiscal year 2005, which includes funding for an additional 60.27 FTE in fiscal year 2004 and an additional 92.27 FTE in fiscal year 2005. If House Bill No. 727 is not passed and approved, general fund money in item 11 is reduced by \$7,452 in fiscal year 2004 and by \$7,488 in fiscal year 2005.

FUNDING IN ITEM 9 IS DECREASED BY \$2,380,962 IN FEDERAL FUNDS IN FISCAL YEAR 2004 AND BY \$1,934,019 IN FEDERAL FUNDS IN FISCAL YEAR 2005 IF HOUSE BILL NO. 452 IS NOT PASSED AND APPROVED.

FUNDING IN ITEM 9F 9E MAY BE USED ONLY TO PROVIDE DONATED DENTAL SERVICES TO INDIVIDUALS WITH DISABILITIES. APPROPRIATIONS IN ITEMS 9F, 10C, 10E, ~~11F~~ 11F, AND 12D ARE CONTINGENT UPON APPROVAL AND PASSAGE OF SENATE BILL No. 407.

IF SENATE BILL NO. 407 IS NOT PASSED AND APPROVED, ITEM 10 IS REDUCED BY \$686,357 IN GENERAL FUND MONEY AND BY \$1,844,458 IN FEDERAL FUNDS IN FISCAL YEAR 2004 AND BY \$1,320,845 IN GENERAL FUND MONEY AND BY \$3,549,527 IN FEDERAL FUNDS IN FISCAL YEAR 2005.

The department shall distribute funds in item 10b in a way that provides reasonable assurance that the funds are used solely for therapeutic ~~group homes~~ OUT-OF-HOME CARE FOR CHILDREN. Rate increases may vary among types of ~~group homes~~ PROVIDERS. Funds appropriated in item 10b may be used only for rate increases for therapeutic ~~group homes~~ OUT-OF-HOME CARE FOR CHILDREN. Funds in item 10b may not be used to fund other programs.

~~Up to \$500,000 from cigarette tax revenue allocated to Montana veterans' homes in 16-11-119 may be appropriated to the senior and long-term care division above the level appropriated from cigarette tax revenue in item 11 in fiscal year 2004. The appropriation may be established subject to a determination by the office of budget and program planning that federal revenue and private revenue in fiscal year 2004 are insufficient to operate the homes at capacity to maximize collection of federal and private payments. The office of budget and program planning shall notify the legislative finance committee if it determines that the conditions are met and when the appropriation will become effective.~~

FUNDS IN ITEM 10F MUST BE USED TO MATCH DONATIONS, GIFTS, GRANTS, OR BEQUESTS RECEIVED PURSUANT TO 17-3-1001 AND REFERENCED IN 17-6-203(5) TO PROVIDE SERVICES FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM ESTABLISHED IN TITLE 53, CHAPTER 4, PART 10.

Funds in item 11a may be used only to make one-time payments to nursing homes based on the number of medicaid services provided. State special revenue in item 11a may be expended only after the office of budget and program planning has certified that the department has received ~~\$1~~ \$2 million each year from counties participating in the intergovernmental transfer program for nursing homes.

ITEMS 11D AND 11E ARE CONTINGENT UPON PASSAGE AND APPROVAL OF HOUSE BILL NO. 721.

The department shall distribute funds in item ~~11f~~ 11D in a way that provides reasonable assurance that the funds are used solely for direct-care wage and benefit increases. Not all providers or types of direct-care workers must receive the same rate increase for the biennium. Funds appropriated in item ~~11f~~ 11D may be used only for direct-care worker wage increases. Funds in item ~~11f~~ 11D may not be used to fund other programs.

ITEM ~~11H~~ 11G MAY BE USED ONLY TO OPERATE MONTANA VETERANS' HOMES AT A CAPACITY TO MAXIMIZE COLLECTION OF FEDERAL REVENUE AND PRIVATE PAYMENTS.

Item 12a may be expended only for mental health services. The office of budget and program planning shall certify that the department has received a federal mental health block grant prior to allowing expenditures against the appropriation.

TOTAL SECTION B

|                    |                   |                    |                      |                   |                      |                    |                   |
|--------------------|-------------------|--------------------|----------------------|-------------------|----------------------|--------------------|-------------------|
| 263,324,627        | 64,739,622        | 794,494,901        | 0                    | 0                 | 1,122,559,150        | 263,253,835        | 76,091,114        |
| 821,525,176        | 0                 | 0                  | 1,160,870,125        |                   |                      |                    |                   |
| <u>265,739,990</u> | <u>64,714,622</u> |                    |                      |                   | <u>1,124,949,513</u> | <u>265,669,199</u> | <u>76,066,114</u> |
|                    |                   |                    | <u>1,163,260,489</u> |                   |                      |                    |                   |
| <u>265,481,628</u> | <u>53,030,093</u> | <u>800,506,127</u> |                      |                   | <u>1,119,017,848</u> | <u>272,082,517</u> | <u>58,204,279</u> |
| <u>829,850,671</u> |                   |                    | <u>1,160,137,467</u> |                   |                      |                    |                   |
| <u>264,908,601</u> | <u>46,603,120</u> |                    |                      | <u>28,865,404</u> | <u>1,140,883,252</u> | <u>272,699,511</u> | <u>49,587,285</u> |
|                    |                   | <u>16,169,049</u>  | <u>1,168,306,516</u> |                   |                      |                    |                   |

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|                    |                   |                        |                   |                      |                    |                   |
|--------------------|-------------------|------------------------|-------------------|----------------------|--------------------|-------------------|
| <u>264,536,598</u> | <u>46,533,704</u> | <u>805,668,119</u>     | <u>10,000,000</u> | <u>1,126,738,421</u> | <u>270,437,487</u> | <u>51,093,799</u> |
| <u>836,441,387</u> |                   | <u>0 1,157,972,673</u> |                   |                      |                    |                   |

C. NATURAL RESOURCES AND COMMERCE

DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)

|    |  |  |                  |               |          |                  |                  |
|----|--|--|------------------|---------------|----------|------------------|------------------|
| 1. | Administration and Finance Division (01) |  |                  |               |          |                  |                  |
|    | 0  | 5,789,588  | 1,597,300        | 0             | 0        | 7,386,888        | 0 5,883,614      |
|    | 1,601,074                                | 0  | 0                | 7,484,688     |          |                  |                  |
|    | a.                                       | Legislative Audit (Restricted/Biennial)                    |                  |               |          |                  |                  |
|    | 0  | 67,035   | 11,830           | 0             | 0        | 78,865           | 0 0              |
|    | 0  | 0  | 0                | 0             |          |                  |                  |
|    | <u>B.</u>                                | <u>SB 112 -- FUND SEARCH AND RESCUE</u>                    |                  |               |          |                  |                  |
|    | <u>0</u>                                 | <u>49,827</u>  | <u>0</u>         | <u>0</u>      | <u>0</u> | <u>49,827</u>    | <u>0 99,653</u>  |
|    | <u>0</u>                                 | <u>0</u>   | <u>0</u>         | <u>99,653</u> |          |                  |                  |
| 2. | Field Services Division (02)             |  |                  |               |          |                  |                  |
|    | 0  | 7,072,979  | 780,549          | 0             | 0        | 7,853,528        | 0 7,577,046      |
|    | 781,952                                  | 0  | 0                | 8,358,998     |          |                  |                  |
|    |  | <u>7,042,875</u>   |                  |               |          | <u>7,823,424</u> | <u>7,516,839</u> |
|    |  |  | <u>8,298,791</u> |               |          |                  |                  |
|    | a.                                       | Block Management (OTO)                                     |                  |               |          |                  |                  |
|    | 0  | 733,000  | 0                | 0             | 0        | 733,000          | 0 733,000        |
|    | 0  | 0  | 0                | 733,000       |          |                  |                  |
|    | b.                                       | Taxes (OTO)  |                  |               |          |                  |                  |
|    | 0  | 4,609  | 13,828           | 0             | 0        | 18,437           | 0 4,609          |
|    | 13,828                                   | 0  | 0                | 18,437        |          |                  |                  |
|    | c.                                       | Public Wildlife Interface (Biennial)                       |                  |               |          |                  |                  |
|    | 0  | 65,000   | 0                | 0             | 0        | 65,000           | 0 0              |
|    | 0  | 0  | 0                | 0             |          |                  |                  |
| 3. | Fisheries Division (03)                  |  |                  |               |          |                  |                  |
|    | 0  | 3,625,343  | 6,606,176        | 0             | 0        | 10,231,519       | 0 3,745,317      |
|    | 6,609,891                                | 0  | 0                | 10,355,208    |          |                  |                  |
|    | a.                                       | Native Species Landowner Conservation Program (Restricted) |                  |               |          |                  |                  |
|    | 0  | 40,000   | 0                | 0             | 0        | 40,000           | 0 40,000         |
|    | 0  | 0  | 0                | 40,000        |          |                  |                  |
|    | b.                                       | Fishing Access Site Assistance (OTO)                       |                  |               |          |                  |                  |
|    | 0  | 25,000   | 0                | 0             | 0        | 25,000           | 0 25,000         |
|    | 0  | 0  | 0                | 25,000        |          |                  |                  |
|    | c.                                       | Short-Term Federal Contracts (OTO)                         |                  |               |          |                  |                  |
|    | 0  | 0  | 206,700          | 0             | 0        | 206,700          | 0 0              |
|    | 10,700                                   | 0  | 0                | 10,700        |          |                  |                  |
| 4. | Law Enforcement Division (04)            |  |                  |               |          |                  |                  |
|    | 0  | 6,526,346  | 228,707          | 0             | 0        | 6,755,053        | 0 6,551,269      |
|    | 232,291                                  | 0  | 0                | 6,783,560     |          |                  |                  |
|    | a.                                       | Commercial Licensing (Restricted/OTO)                      |                  |               |          |                  |                  |
|    | 0  | 32,000   | 0                | 0             | 0        | 32,000           | 0 32,000         |
|    | 0  | 0  | 0                | 32,000        |          |                  |                  |
|    | b.                                       | Snowmobile Enforcement (Restricted)                        |                  |               |          |                  |                  |
|    | 0  | 5,217  | 0                | 0             | 0        | 5,217            | 0 5,217          |
|    | 0  | 0  | 0                | 5,217         |          |                  |                  |
|    | <u>C.</u>                                | <u>SB 395 -- BISON HUNT (BIENNIAL)</u>                     |                  |               |          |                  |                  |
|    | <u>0</u>                                 | <u>10,000</u>  | <u>0</u>         | <u>0</u>      | <u>0</u> | <u>10,000</u>    | <u>0 0</u>       |
|    | <u>0</u>                                 | <u>0</u>   | <u>0</u>         | <u>0</u>      |          |                  |                  |
|    | <u>D.</u>                                | <u>HB 558 -- TEMPORARY SNOWMOBILE PERMIT (RESTRICTED)</u>  |                  |               |          |                  |                  |
|    | <u>0</u>                                 | <u>6,500</u>   | <u>0</u>         | <u>0</u>      | <u>0</u> | <u>6,500</u>     | <u>0 6,500</u>   |

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|    |                                      |   |           |                      |          |                      |                      |
|----|--------------------------------------|---|-----------|----------------------|----------|----------------------|----------------------|
|    | <u>0</u>                             | <u>0</u>  | <u>0</u>  | <u>6,500</u>         |          |                      |                      |
| 5. | Wildlife Division (05)               |   |           |                      |          |                      |                      |
|    | 0                                    | <del>4,043,656</del>                                      | 3,724,583 | 0                    | 0        | <del>7,768,239</del> | 0                    |
|    | 3,741,071                            | 0   | 0         | <del>7,797,970</del> |          |                      | <del>4,056,899</del> |
|    |                                      | <u>4,004,656</u>  |           |                      |          | <u>7,729,239</u>     | <u>4,017,899</u>     |
|    |                                      |   |           | <u>7,758,970</u>     |          |                      |                      |
|    |                                      | <u>4,068,921</u>  |           |                      |          | <u>7,793,504</u>     | <u>4,125,962</u>     |
|    |                                      |   |           | <u>7,867,033</u>     |          |                      |                      |
|    | a.                                   | Mountain Lion Research (Restricted/OTO)                   |           |                      |          |                      |                      |
|    | 0                                    | 38,847  | 116,542   | 0                    | 0        | 155,389              | 0                    |
|    | 116,522                              | 0   | 0         | 155,362              |          |                      | 38,840               |
|    | b.                                   | Region 1 Wildlife Conflict Specialist (Restricted/OTO)    |           |                      |          |                      |                      |
|    | 0                                    | 37,265  | 0         | 0                    | 0        | 37,265               | 0                    |
|    | 0                                    | 0   | 0         | 37,185               |          |                      | 37,185               |
|    | c.                                   | Equipment (Restricted/OTO)                                |           |                      |          |                      |                      |
|    | 0                                    | 20,000  | 0         | 0                    | 0        | 20,000               | 0                    |
|    | 0                                    | 0   | 0         | 30,000               |          |                      | 30,000               |
|    | d.                                   | Wildlife CWD Management Plan (Restricted/Biennial/OTO)    |           |                      |          |                      |                      |
|    | 0                                    | 200,000   | 0         | 0                    | 0        | 200,000              | 0                    |
|    | 0                                    | 0   | 0         | 0                    |          |                      | 0                    |
|    | e.                                   | Short-Term Federal Contracts (OTO)                        |           |                      |          |                      |                      |
|    | 0                                    | 0   | 168,307   | 0                    | 0        | 168,307              | 0                    |
|    | 47,604                               | 0   | 0         | 47,604               |          |                      | 0                    |
|    | F.                                   | <u>NONGAME WILDLIFE PROGRAM (RESTRICTED/OTO)</u>          |           |                      |          |                      |                      |
|    | <u>0</u>                             | <u>39,000</u>   | <u>0</u>  | <u>0</u>             | <u>0</u> | <u>39,000</u>        | <u>0</u>             |
|    | <u>0</u>                             | <u>0</u>  | <u>0</u>  | <u>39,000</u>        |          |                      | <u>39,000</u>        |
|    | G.                                   | <u>SB 395 -- BISON HUNT (BIENNIAL)</u>                    |           |                      |          |                      |                      |
|    | <u>0</u>                             | <u>22,500</u>   | <u>0</u>  | <u>0</u>             | <u>0</u> | <u>22,500</u>        | <u>0</u>             |
|    | <u>0</u>                             | <u>0</u>  | <u>0</u>  | <u>0</u>             |          |                      | <u>0</u>             |
| 6. | Parks Division (06)                  |   |           |                      |          |                      |                      |
|    | 0                                    | <del>4,856,159</del>                                      | 362,371   | 0                    | 0        | <del>5,218,530</del> | 0                    |
|    | 362,371                              | 0   | 0         | <del>5,237,239</del> |          |                      | <del>4,874,868</del> |
|    |                                      | <u>5,603,957</u>  |           |                      |          | <u>5,966,328</u>     | <u>6,182,931</u>     |
|    |                                      |   |           | <u>6,545,302</u>     |          |                      |                      |
|    | a.                                   | Snowmobile Equipment (Biennial)                           |           |                      |          |                      |                      |
|    | 0                                    | 332,920   | 0         | 0                    | 0        | 332,920              | 0                    |
|    | 0                                    | 0   | 0         | 0                    |          |                      | 0                    |
|    | b.                                   | Short-Term Federal Contracts (OTO)                        |           |                      |          |                      |                      |
|    | 0                                    | 0   | 35,500    | 0                    | 0        | 35,500               | 0                    |
|    | 20,000                               | 0   | 0         | 20,000               |          |                      | 0                    |
|    | C.                                   | <u>HB 558 -- TEMPORARY SNOWMOBILE PERMIT (RESTRICTED)</u> |           |                      |          |                      |                      |
|    | <u>0</u>                             | <u>175,000</u>  | <u>0</u>  | <u>0</u>             | <u>0</u> | <u>175,000</u>       | <u>0</u>             |
|    | <u>0</u>                             | <u>0</u>  | <u>0</u>  | <u>178,500</u>       |          |                      | <u>178,500</u>       |
| 7. | Conservation Education Division (08) |   |           |                      |          |                      |                      |
|    | 0                                    | 1,794,414   | 757,738   | 0                    | 0        | 2,552,152            | 0                    |
|    | 757,738                              | 0   | 0         | 2,558,060            |          |                      | 1,800,322            |
|    | a.                                   | Shooting Range Grants (Biennial)                          |           |                      |          |                      |                      |
|    | 0                                    | <del>160,000</del>  | 0         | 0                    | 0        | <del>160,000</del>   | 0                    |
|    | 0                                    | 0   | 0         | 0                    |          |                      | 0                    |
|    |                                      | <u>320,000</u>  |           |                      |          | <u>320,000</u>       |                      |
| 8. | Department Management (09)           |   |           |                      |          |                      |                      |
|    | 0                                    | 2,863,015   | 1,162,842 | 0                    | 0        | 4,025,857            | 0                    |
|    | 1,166,959                            | 0   | 0         | 4,020,256            |          |                      | 2,853,297            |
|    | a.                                   | Office Maintenance (Restricted/OTO)                       |           |                      |          |                      |                      |
|    | 0                                    | 30,000  | 0         | 0                    | 0        | 30,000               | 0                    |
|    |                                      |   |           |                      |          |                      | 30,000               |

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|       |   |                       |                   |                       |   |                       |   |                       |
|-------|---|-----------------------|-------------------|-----------------------|---|-----------------------|---|-----------------------|
|       | 0   | 0                     | 0                 | 30,000                |   |                       |   |                       |
| b.    | State Wildlife Grant Federal Program (Biennial/OTO) |                       |                   |                       |   |                       |   |                       |
|       | 0   | 160,000               | 1,200,000         | 0                     | 0 | 1,360,000             | 0 | 0                     |
|       | 0   | 0                     | 0                 | 0                     |   |                       |   |                       |
| c.    | Retirement Liability (Restricted/Biennial/OTO)      |                       |                   |                       |   |                       |   |                       |
|       | 0   | 546,800               | 240,000           | 0                     | 0 | 786,800               | 0 | 0                     |
|       | 0   | 0                     | 0                 | 0                     |   |                       |   |                       |
| <hr/> |   |                       |                   |                       |   |                       |   |                       |
| Total | 0   | <del>39,069,193</del> | 17,212,973        | 0                     | 0 | <del>56,282,166</del> | 0 | <del>38,318,483</del> |
|       | 15,462,001  | 0                     | 0                 | <del>53,780,484</del> |   |                       |   |                       |
|       |   | <u>39,229,193</u>     |                   |                       |   | <u>56,442,166</u>     |   |                       |
|       |   | <u>39,199,089</u>     |                   |                       |   | <u>56,412,062</u>     |   | <u>38,258,276</u>     |
|       |   |                       | <u>53,720,277</u> |                       |   |                       |   |                       |
|       |   | <u>40,274,979</u>     |                   |                       |   | <u>57,487,952</u>     |   | <u>39,959,055</u>     |
|       |   |                       | <u>55,421,056</u> |                       |   |                       |   |                       |

The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state match money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.

If the department receives additional federal special revenue for services comparable to those with general license revenue, the approving authority shall decrease the state special revenue appropriation by the amount of federal money received and establish the federal funds appropriation. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

The department shall prepare a biennial report of the expenditure of funds under the nongame wildlife checkoff, which must be made available to the environmental quality council, prior to each regular legislative session.

If Senate Bill No. 130 is not passed and approved, item 1 is increased by \$16,513 of state special revenue money in fiscal year 2004 and by \$16,513 of state special revenue money in fiscal year 2005.

ITEM 1B IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 112

If Senate Bill No. 130 is not passed and approved, item 2 is decreased by ~~\$490,104~~ \$460,000 of state special revenue money in fiscal year 2004 and by ~~\$980,207~~ \$920,000 of state special revenue money in fiscal year 2005.

If omnibus federal funding for the purpose of building the warm water fish hatchery at Fort Peck is not passed and approved, item 3 is decreased by \$100,000 of state special revenue money in fiscal year 2004 and by \$200,000 of state special revenue money in fiscal year 2005.

IF HOUSE BILL NO. 558 IS NOT PASSED AND APPROVED, ITEM 4D IS REDUCED BY \$6,500 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$6,500 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005 AND ITEM 6C IS REDUCED BY \$175,000 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$178,500 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

IF HOUSE BILL NO. 42 IS NOT PASSED AND APPROVED, ITEM 5 IS DECREASED BY \$64,265 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$64,063 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

ITEM 5F CONTAINS AN APPROPRIATION OF \$39,000 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND \$39,000 IN STATE SPECIAL REVENUE IN FISCAL YEAR 2005 THAT IS RESTRICTED TO:

(1) \$13,000 IN FISCAL YEAR 2004 AND \$13,000 IN FISCAL YEAR 2005 FOR 25% OF A NATIVE SPECIES SPECIALIST POSITION IN BILLINGS;

(2) \$5,000 IN FISCAL YEAR 2004 TO SUPPORT PUBLISHING THE SIXTH EDITION OF MONTANA BIRD DISTRIBUTION AND AN UPDATED LIST OF MONTANA BIRD SPECIES;

(3) \$5,000 IN FISCAL YEAR 2004 TO SUPPORT PUBLISHING OF A FIELD GUIDE TO REPTILES AND AMPHIBIANS;

(4) \$5,000 IN FISCAL YEAR 2004 AND \$8,000 IN FISCAL YEAR 2005 TO SUPPORT LOON CONSERVATION EFFORTS IN NORTHWESTERN MONTANA;

(5) \$3,000 IN FISCAL YEAR 2004 AND \$5,000 IN FISCAL YEAR 2005 TO PROMOTE PLACEMENT AND MAINTENANCE OF NESTING BOXES FOR BLUEBIRDS AND OTHER SPECIES;

(6) \$6,000 IN FISCAL YEAR 2004 AND \$10,000 IN FISCAL YEAR 2005 TO INVENTORY AND MONITOR SENSITIVE WILDLIFE SPECIES; AND

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(7) \$2,000 IN FISCAL YEAR 2004 AND \$3,000 IN FISCAL YEAR 2005 TO STUDY STATEWIDE RAPTOR SURVEY ROUTES.

IF SENATE BILL NO. 336 IS NOT PASSED AND APPROVED, ITEM 6 IS DECREASED BY \$747,798 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$1,308,063 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

If federal money becomes available for the wildlife chronic wasting disease management plan, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If Senate Bill No. 287 is not passed and approved, item 8 is decreased by \$72,169 of state special revenue money in fiscal year 2004 and by \$72,053 of state special revenue money in fiscal year 2005.

DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)

|    |  |  |           |                       |   |                       |                      |                      |
|----|--|--|-----------|-----------------------|---|-----------------------|----------------------|----------------------|
| 1. | Central Management Program (10)                    |  |           |                       |   |                       |                      |                      |
|    | <del>268,974</del>                                 | <del>377,611</del>                                 | 206,553   | 0                     | 0 | 853,138               | <del>269,926</del>   | 229,376              |
|    | 208,158  | 0  | 0         | <del>707,460</del>    |   |                       |                      |                      |
|    | <u>227,112</u>                                     | <u>227,611</u>                                     |           |                       |   | <u>661,276</u>        | <u>228,064</u>       |                      |
|    |  |  |           | <u>665,598</u>        |   |                       |                      |                      |
|    | a.   | Environmental Rehabilitation (Restricted/Biennial) |           |                       |   |                       |                      |                      |
|    | 0  | 125,000  | 0         | 0                     | 0 | 125,000               | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
|    | b.   | Federal One-Stop Grant (Biennial/OTO)              |           |                       |   |                       |                      |                      |
|    | 0  | 0  | 500,000   | 0                     | 0 | 500,000               | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
|    | c.   | MEPA Projects Base Adjustment (Biennial)           |           |                       |   |                       |                      |                      |
|    | 0  | 1,000,000  | 0         | 0                     | 0 | 1,000,000             | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
| 2. | Planning, Prevention, and Assistance Division (20) |  |           |                       |   |                       |                      |                      |
|    | <del>1,769,258</del>                               | 1,192,836  | 9,346,043 | 0                     | 0 | <del>12,308,137</del> | <del>1,751,962</del> | 1,197,296            |
|    | 9,311,378  | 0  | 0         | <del>12,260,636</del> |   |                       |                      |                      |
|    | <u>1,800,863</u>                                   |  |           |                       |   | <u>12,339,742</u>     | <u>1,783,576</u>     |                      |
|    |  |  |           | <u>12,292,250</u>     |   |                       |                      |                      |
|    | a.   | TMDL Supplemental Grant (Restricted/OTO)           |           |                       |   |                       |                      |                      |
|    | 0  | 0  | 370,000   | 0                     | 0 | 370,000               | 0                    | 0                    |
|    | 370,000  | 0  | 0         | 370,000               |   |                       |                      |                      |
|    | b.   | Universal System Benefits Charge (Biennial)        |           |                       |   |                       |                      |                      |
|    | 0  | 200,000  | 0         | 0                     | 0 | 200,000               | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
| 3. | Enforcement Division (30)                          |  |           |                       |   |                       |                      |                      |
|    | 378,877  | 208,495  | 366,247   | 0                     | 0 | 953,619               | 379,523              | 209,653              |
|    | 371,629  | 0  | 0         | 960,805               |   |                       |                      |                      |
| 4. | Remediation Division (40)                          |  |           |                       |   |                       |                      |                      |
|    | 0  | 4,499,436  | 6,335,244 | 0                     | 0 | 10,834,680            | 0                    | 4,516,225            |
|    | 6,365,975  | 0  | 0         | 10,882,200            |   |                       |                      |                      |
|    | a.   | Leaking Underground Storage (Biennial/OTO)         |           |                       |   |                       |                      |                      |
|    | 0  | 34,500   | 310,500   | 0                     | 0 | 345,000               | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
|    | b.   | Database Consolidation (Restricted/OTO)            |           |                       |   |                       |                      |                      |
|    | 0  | 23,500   | 36,500    | 0                     | 0 | 60,000                | 0                    | 23,500               |
|    | 36,500   | 0  | 0         | 60,000                |   |                       |                      |                      |
|    | c.   | Fields Project (Restricted/Biennial/OTO)           |           |                       |   |                       |                      |                      |
|    | 0  | 11,111   | 100,000   | 0                     | 0 | 111,111               | 0                    | 0                    |
|    | 0  | 0  | 0         | 0                     |   |                       |                      |                      |
| 5. | Permitting and Compliance Division (50)            |  |           |                       |   |                       |                      |                      |
|    | 711,769  | <del>8,813,997</del>                               | 4,462,474 | 0                     | 0 | <del>13,988,240</del> | 728,350              | <del>8,861,398</del> |
|    | 4,524,876  | 0  | 0         | <del>14,114,624</del> |   |                       |                      |                      |
|    |  | <u>9,067,496</u>                                   |           |                       |   | <u>14,241,739</u>     |                      | <u>9,119,467</u>     |
|    |  |  |           | <u>14,372,693</u>     |   |                       |                      |                      |
|    | a.   | Bond Forfeitures/Settlements (Restricted/Biennial) |           |                       |   |                       |                      |                      |

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|       |                  |   |                   |            |   |                   |                  |                   |
|-------|------------------|---|-------------------|------------|---|-------------------|------------------|-------------------|
|       | 0                | 30,392,738  | 0                 | 0          | 0 | 30,392,738        | 0                | 0                 |
|       | 0                | 0   | 0                 | 0          |   |                   |                  |                   |
| b.    |                  | <del>Hard-Rock Debt Service</del> RECLAMATION BOND PROCEEDS (Restricted/Biennial) |                   |            |   |                   |                  |                   |
|       | 0                | 5,500,000   | 0                 | 0          | 0 | 5,500,000         | 0                | 0                 |
|       | 0                | 0   | 0                 | 0          |   |                   |                  |                   |
| c.    |                  | Hard-Rock Federal Funds (Restricted/Biennial)                                     |                   |            |   |                   |                  |                   |
|       | 0                | 0   | 4,000,000         | 0          | 0 | 4,000,000         | 0                | 0                 |
|       | 0                | 0   | 0                 | 0          |   |                   |                  |                   |
| d.    |                  | Major Facility Siting Adjustment (Restricted/Biennial)                            |                   |            |   |                   |                  |                   |
|       | 0                | 300,000   | 0                 | 0          | 0 | 300,000           | 0                | 0                 |
|       | 0                | 0   | 0                 | 0          |   |                   |                  |                   |
| e.    |                  | Hazardous Waste Contract Services (Restricted/Biennial/OTO)                       |                   |            |   |                   |                  |                   |
|       | 0                | 90,000  | 0                 | 0          | 0 | 90,000            | 0                | 0                 |
|       | 0                | 0   | 0                 | 0          |   |                   |                  |                   |
| f.    |                  | Waste Management Database Development (Restricted/OTO)                            |                   |            |   |                   |                  |                   |
|       | 0                | 50,000  | 0                 | 0          | 0 | 50,000            | 0                | 50,000            |
|       | 0                | 0   | 0                 | 50,000     |   |                   |                  |                   |
| <hr/> |                  |   |                   |            |   |                   |                  |                   |
| Total |                  |   |                   |            |   |                   |                  |                   |
|       | 3,128,878        | 52,819,224  | 26,033,561        | 0          | 0 | 81,981,663        | 3,129,761        | 15,087,448        |
|       | 21,188,516       | 0   | 0                 | 39,405,725 |   |                   |                  |                   |
|       | <u>3,160,483</u> | <u>53,072,723</u>   |                   |            |   | <u>82,266,767</u> | <u>3,161,375</u> | <u>15,345,517</u> |
|       |                  |   | <u>39,695,408</u> |            |   |                   |                  |                   |
|       | <u>3,118,621</u> | <u>52,922,723</u>   |                   |            |   | <u>82,074,905</u> | <u>3,119,513</u> |                   |
|       |                  |   | <u>39,653,546</u> |            |   |                   |                  |                   |

If Senate Bill No. 233 is not passed and approved, item 1 is decreased by \$150,000 of state special revenue money in fiscal year 2004.

Item 2 includes a reduction in general fund money of \$31,605 in fiscal year 2004 and \$31,614 in fiscal year 2005. This reduction is the equivalent of 1% of all general fund appropriations each year. The department may reallocate this reduction in funding among divisions when developing 2005 biennium operating plans.

If legislation to extend universal system benefits charge benefits is not passed and approved, item 2b is decreased by \$200,000 of state special revenue money in fiscal year 2004.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$41,862 IN FISCAL YEAR 2004 AND \$41,862 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

IN ITEM 5B, UP TO \$2,500,000 OF THE \$5,500,000 MUST BE USED TO FUND THE ACCOUNT FOR PERPETUAL WATER TREATMENT AT THE ZORTMAN AND LANDUSKY MINES. THE FUNDS MAY BE USED FOR THIS PURPOSE ONLY IF CONGRESS APPROPRIATES AT LEAST \$10,000,000 FOR THIS SAME PURPOSE DURING THE BIENNIUM. IF CONGRESS MAKES THIS APPROPRIATION, THE AMOUNT OF BOND PROCEEDS THAT MUST BE ALLOCATED TO THIS ACCOUNT IS THE AMOUNT THAT, WHEN ADDED TO THE AMOUNT APPROPRIATED BY CONGRESS, EQUALS \$12,500,000.

The department is authorized to decrease federal special revenue money in the water pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account when:

- (1) the amount of federal capitalization funds has been expended; or
- (2) federal funds and bond proceeds are designated for use for other program purposes.

DEPARTMENT OF LIVESTOCK (5603)

|    |   |           |        |           |   |                      |                   |           |
|----|---|-----------|--------|-----------|---|----------------------|-------------------|-----------|
| 1. | Centralized Services Program (01)       |           |        |           |   |                      |                   |           |
|    | 0                                       | 2,025,784 | 65,030 | 0         | 0 | 2,090,814            | 0                 | 2,041,821 |
|    | 65,030                                  | 0         | 0      | 2,106,851 |   |                      |                   |           |
| a. | Legislative Audit (Restricted/Biennial) |           |        |           |   |                      |                   |           |
|    | 0                                       | 27,603    | 0      | 0         | 0 | 27,603               | 0                 | 0         |
|    | 0                                       | 0         | 0      | 0         |   |                      |                   |           |
| 2. | Diagnostic Laboratory Program (03)      |           |        |           |   |                      |                   |           |
|    | <del>94,244</del>                       | 1,350,017 | 0      | 0         | 0 | <del>1,444,261</del> | <del>94,209</del> | 1,332,614 |

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|       |  |           |           |                  |   |                  |                |           |
|-------|--|-----------|-----------|------------------|---|------------------|----------------|-----------|
|       | 0  | 0         | 0         | 1,426,823        |   |                  |                |           |
|       | <u>99,525</u>                            |           |           |                  |   | <u>1,449,542</u> | <u>99,525</u>  |           |
|       |  |           |           | <u>1,432,139</u> |   |                  |                |           |
|       | <u>91,911</u>                            |           |           |                  |   | <u>1,441,928</u> | <u>91,911</u>  |           |
|       |  |           |           | <u>1,424,525</u> |   |                  |                |           |
| 3.    | Animal Health Division (04)              |           |           |                  |   |                  |                |           |
|       | 0  | 680,465   | 1,050,000 | 0                | 0 | 1,730,465        | 0              | 654,484   |
|       | 1,050,000                                | 0         | 0         | 1,704,484        |   |                  |                |           |
| 4.    | Milk and Egg Program (05)                |           |           |                  |   |                  |                |           |
|       | 0  | 210,163   | 32,275    | 0                | 0 | 242,438          | 0              | 236,940   |
|       | 32,275                                   | 0         | 0         | 269,215          |   |                  |                |           |
| 5.    | Brands Enforcement Division (06)         |           |           |                  |   |                  |                |           |
|       | 0  | 2,804,358 | 0         | 0                | 0 | 2,804,358        | 0              | 2,756,738 |
|       | 0  | 0         | 0         | 2,756,738        |   |                  |                |           |
| 6.    | Meat and Poultry Inspection Program (10) |           |           |                  |   |                  |                |           |
|       | 428,580                                  | 6,475     | 428,581   | 0                | 0 | 863,636          | 432,093        | 6,475     |
|       | 432,094                                  | 0         | 0         | 870,662          |   |                  |                |           |
| <hr/> |  |           |           |                  |   |                  |                |           |
| Total |  |           |           |                  |   |                  |                |           |
|       | <u>522,824</u>                           | 7,104,865 | 1,575,886 | 0                | 0 | <u>9,203,575</u> | <u>526,302</u> | 7,029,072 |
|       | 1,579,399                                | 0         | 0         | 9,134,773        |   |                  |                |           |
|       | <u>528,105</u>                           |           |           |                  |   | <u>9,208,856</u> | <u>531,618</u> |           |
|       |  |           |           | <u>9,140,089</u> |   |                  |                |           |
|       | <u>520,491</u>                           |           |           |                  |   | <u>9,201,242</u> | <u>524,004</u> |           |
|       |  |           |           | <u>9,132,475</u> |   |                  |                |           |

The department shall report to the 2005 legislature's joint appropriations subcommittee on natural resources and commerce, in a brief summary to be determined by the department, on issues involved with brucellosis management within the state of Montana, including but not limited to bison and elk populations within Yellowstone national park, bison removal activities undertaken by the department in fiscal year 2004 and fiscal year 2005, expenditures within the department for brucellosis management, and the status of federal activities and funding continuity.

~~Item 2 includes a reduction in general fund money of \$5,281 in fiscal year 2004 and \$5,316 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.~~

ITEM 2 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$7,614 IN FISCAL YEAR 2004 AND \$7,614 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

|    |   |           |         |                  |   |                      |                      |           |
|----|---|-----------|---------|------------------|---|----------------------|----------------------|-----------|
| 1. | Centralized Services (21)               |           |         |                  |   |                      |                      |           |
|    | <del>1,592,710</del>                    | 407,200   | 100,000 | 0                | 0 | <del>2,099,910</del> | <del>1,631,184</del> | 407,200   |
|    | 75,000                                  | 0         | 0       | 2,113,384        |   |                      |                      |           |
|    | <u>1,764,583</u>                        |           |         |                  |   | <u>2,271,783</u>     | <u>1,803,342</u>     |           |
|    |   |           |         | <u>2,285,542</u> |   |                      |                      |           |
|    | <u>1,555,393</u>                        |           |         |                  |   | <u>2,062,593</u>     | <u>1,594,152</u>     |           |
|    |   |           |         | <u>2,076,352</u> |   |                      |                      |           |
| a. | Legislative Audit (Restricted/Biennial) |           |         |                  |   |                      |                      |           |
|    | 89,380                                  | 0         | 0       | 0                | 0 | 89,380               | 0                    | 0         |
|    | 0                                       | 0         | 0       | 0                |   |                      |                      |           |
| b. | Rewire USF&G Building (Restricted/OTO)  |           |         |                  |   |                      |                      |           |
|    | 0                                       | 0         | 18,300  | 0                | 0 | 18,300               | 0                    | 0         |
|    | 0                                       | 0         | 0       | 0                |   |                      |                      |           |
| 2. | Oil and Gas Conservation Division (22)  |           |         |                  |   |                      |                      |           |
|    | 0                                       | 1,355,731 | 0       | 0                | 0 | 1,355,731            | 0                    | 1,352,653 |
|    | 0                                       | 0         | 0       | 1,352,653        |   |                      |                      |           |



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|               |  |           |                       |          |                       |           |                       |
|---------------|--|-----------|-----------------------|----------|-----------------------|-----------|-----------------------|
| a.            | Heating System Replacement (OTO)   |           |                       |          |                       |           |                       |
| 0             | 25,000   | 0         | 0                     | 0        | 25,000                | 0         | 0                     |
| 0             | 0  | 0         | 0                     |          |                       |           |                       |
| b.            | Coal Bed Methane Water Study (Restricted/Biennial/OTO)                     |           |                       |          |                       |           |                       |
| 0             | 400,000  | 0         | 0                     | 0        | 400,000               | 0         | 0                     |
| 0             | 0  | 0         | 0                     |          |                       |           |                       |
| c.            | Historical Data Acquisition Project (Restricted/OTO)                       |           |                       |          |                       |           |                       |
| 0             | 100,000  | 0         | 0                     | 0        | 100,000               | 0         | 100,000               |
| 0             | 0  | 0         | 100,000               |          |                       |           |                       |
| 3.            | Conservation and Resource Development Division (23)                        |           |                       |          |                       |           |                       |
| 2,249,565     | 1,912,065  | 200,557   | 0                     | 0        | 4,362,187             | 2,253,869 | 1,867,457             |
| 218,814       | 0  | 0         | 4,340,140             |          |                       |           |                       |
| a.            | Grass Conservation Commission (Biennial)                                   |           |                       |          |                       |           |                       |
| 0             | 80,000   | 0         | 0                     | 0        | 80,000                | 0         | 0                     |
| 0             | 0  | 0         | 0                     |          |                       |           |                       |
| b.            | Sheridan County Conservation District (Restricted)                         |           |                       |          |                       |           |                       |
| 30,000        | 0  | 0         | 0                     | 0        | 30,000                | 30,000    | 0                     |
| 0             | 0  | 0         | 30,000                |          |                       |           |                       |
| 4.            | Water Resources Division (24)  |           |                       |          |                       |           |                       |
| 0             | <del>1,452,491</del>   | 108,475   | 0                     | 0        | <del>1,560,966</del>  | 0         | <del>1,460,741</del>  |
| 108,855       | 0  | 0         | <del>1,569,596</del>  |          |                       |           |                       |
|               | <u>1,619,316</u>   |           |                       |          | <u>1,727,791</u>      |           | <u>1,633,936</u>      |
|               |  |           | <u>1,742,791</u>      |          |                       |           |                       |
| a.            | Water Resources -- General Fund (Biennial)                                 |           |                       |          |                       |           |                       |
| 5,907,802     | 0  | 0         | 0                     | 0        | 5,907,802             | 5,959,122 | 0                     |
| 0             | 0  | 0         | 5,959,122             |          |                       |           |                       |
| b.            | State Water Project Rehabilitation (Restricted/Biennial/OTO)               |           |                       |          |                       |           |                       |
| 0             | 2,220,000  | 60,794    | 0                     | 0        | 2,280,794             | 0         | 0                     |
| 0             | 0  | 0         | 0                     |          |                       |           |                       |
| c.            | Broadwater Hydropower Maintenance (Biennial)                               |           |                       |          |                       |           |                       |
| 0             | 96,000   | 0         | 0                     | 0        | 96,000                | 0         | 0                     |
| 0             | 0  | 0         | 0                     |          |                       |           |                       |
| d.            | Water Rights Verification Project (Restricted/OTO)                         |           |                       |          |                       |           |                       |
| 0             | 160,000  | 0         | 0                     | 0        | 160,000               | 0         | 168,000               |
| 0             | 0  | 0         | 168,000               |          |                       |           |                       |
| E.            | <u>YELLOWSTONE RIVER COMPACT WATER APPORTIONMENT (RESTRICTED/BIENNIAL)</u> |           |                       |          |                       |           |                       |
| <u>10,000</u> | <u>0</u>   | <u>0</u>  | <u>0</u>              | <u>0</u> | <u>10,000</u>         | <u>0</u>  | <u>0</u>              |
| <u>0</u>      | <u>0</u>   | <u>0</u>  | <u>0</u>              |          |                       |           |                       |
| 5.            | Reserved Water Rights Compact Commission (25)                              |           |                       |          |                       |           |                       |
| 713,840       | 0  | 0         | 0                     | 0        | 713,840               | 719,344   | 0                     |
| 0             | 0  | 0         | 719,344               |          |                       |           |                       |
| 6.            | Forestry and Trust Lands (35)  |           |                       |          |                       |           |                       |
| 0             | <del>11,827,035</del>  | 1,325,041 | 0                     | 0        | <del>13,152,076</del> | 0         | <del>11,872,684</del> |
| 1,328,628     | 0  | 0         | <del>13,201,312</del> |          |                       |           |                       |
|               | <u>11,848,769</u>  |           |                       |          | <u>13,173,810</u>     |           | <u>12,069,752</u>     |
|               |  |           | <u>13,398,380</u>     |          |                       |           |                       |
| a.            | Forestry and Trust Lands -- General Fund (Biennial)                        |           |                       |          |                       |           |                       |
| 6,432,111     | 0  | 0         | 0                     | 0        | 6,432,111             | 6,450,128 | 0                     |
| 0             | 0  | 0         | 6,450,128             |          |                       |           |                       |
| b.            | Fire Seasonal Pay Exception (OTO)  |           |                       |          |                       |           |                       |
| 0             | 66,000   | 134,000   | 0                     | 0        | 200,000               | 0         | 66,000                |
| 134,000       | 0  | 0         | 200,000               |          |                       |           |                       |
| C.            | <u>SB 409 -- DEVELOP OTTER CREEK TRACTS (BIENNIAL/OTO)</u>                 |           |                       |          |                       |           |                       |
| <u>0</u>      | <u>300,000</u>   | <u>0</u>  | <u>0</u>              | <u>0</u> | <u>300,000</u>        | <u>0</u>  | <u>0</u>              |
| <u>0</u>      | <u>0</u>   | <u>0</u>  | <u>0</u>              |          |                       |           |                       |

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| <u>D.</u>             | <u>HB 537 -- SUSTAINABLE YIELD (BIENNIAL/OTO)</u> |                      |                   |              |                       |                       |                       |
|-----------------------|---|----------------------|-------------------|--------------|-----------------------|-----------------------|-----------------------|
| <u>0</u>              | <u>40,000</u>                                     | <u>0</u>             | <u>0</u>          | <u>0</u>     | <u>40,000</u>         | <u>0</u>              | <u>0</u>              |
| <u>0</u>              | <u>0</u>  | <u>0</u>             | <u>0</u>          |              |                       |                       |                       |
| <hr/>                 |   |                      |                   |              |                       |                       |                       |
| Total                 |   |                      |                   |              |                       |                       |                       |
| <del>17,015,408</del> | <del>20,101,522</del>                             | <del>1,947,167</del> | <del>0</del>      | <del>0</del> | <del>39,064,097</del> | <del>17,043,647</del> | <del>17,294,735</del> |
| 1,865,297             | 0   | 0                    | 36,203,679        |              |                       |                       |                       |
| <u>17,187,281</u>     |   |                      |                   |              | <u>39,235,970</u>     | <u>17,215,805</u>     |                       |
|                       |   |                      | <u>36,375,837</u> |              |                       |                       |                       |
| <u>16,988,091</u>     | <u>20,630,081</u>                                 |                      |                   |              | <u>39,565,339</u>     | <u>17,006,615</u>     | <u>17,664,998</u>     |
|                       |   |                      | <u>36,536,910</u> |              |                       |                       |                       |

Item 1 includes a reduction in general fund money of \$171,873 in fiscal year 2004 and \$172,158 in fiscal year 2005. This reduction is the equivalent of 1% of all general fund appropriations each year. The department may reallocate this reduction in funding among divisions when developing 2005 biennium operating plans.

The department is authorized to decrease state special revenue money in the underground injection control program and to increase federal special revenue money by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue is to be spent before state special revenue.

The department is appropriated up to \$600,000 for the 2005 biennium from the state special revenue account established in 85-1-604, MCA, for the purchase of prior liens on property held as loan security as required by 85-1-618, MCA.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$209,190 IN FISCAL YEAR 2004 AND \$209,190 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNium OPERATING PLANS.

The department is authorized to decrease federal special revenue money in the water pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account when:

- (1) the amount of federal capitalization funds has been expended; or
- (2) federal funds and bond proceeds are designated for use for other program purposes.

~~If House Bill No. 176 is not passed and approved, item 3 is decreased by \$360,793 of state special revenue money in fiscal year 2004 and by \$329,230 of state special revenue money in fiscal year 2005.~~

ITEM 4E CONTAINS GENERAL FUND AUTHORITY OF \$10,000 IN FISCAL YEAR 2004 THAT IS RESTRICTED TO INVESTIGATE THE APPORTIONMENT OF WATER BETWEEN MONTANA AND WYOMING UNDER THE YELLOWSTONE RIVER COMPACT AS REFERENCED IN HOUSE JOINT RESOLUTION NO. 35.

The department shall present a written quarterly report to the office of budget and program planning and to the legislative fiscal division detailing its fire costs for the current fiscal year. In addition, it shall present this information to the legislative finance committee upon request.

During the 2005 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2005 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

During the 2005 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

IF SENATE BILL NO. 130 IS NOT PASSED AND APPROVED, ITEM 6 IS DECREASED BY \$21,734 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004 AND BY \$43,468 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2005.

DURING THE 2005 BIENNium, UP TO \$70,000 IN STATE SPECIAL REVENUE OF ANNUAL RENT RECEIVED FROM COMMERCIAL LEASING IS APPROPRIATED TO THE DEPARTMENT TO CONTRACT WITH REALTORS, PROPERTY MANAGERS, SURVEYORS, LEGAL COUNSEL, OR LEASE ADMINISTRATORS TO ADMINISTER THE COMMERCIAL LEASE, EITHER SINGLY OR IN COMMON WITH OTHER LEASES, OR TO PROVIDE ASSISTANCE TO THE DEPARTMENT IN THE ADMINISTRATION OF COMMERCIAL LEASES PURSUANT TO [SECTION 5] OF SENATE BILL NO. 137.

DEPARTMENT OF AGRICULTURE (6201)

1. Central Management Division (15)

|                    |         |        |                    |   |                |                    |         |
|--------------------|---------|--------|--------------------|---|----------------|--------------------|---------|
| <del>149,491</del> | 568,847 | 63,000 | 56,391             | 0 | 837,729        | <del>182,855</del> | 567,615 |
| 63,000             | 56,396  | 0      | <del>869,866</del> |   |                |                    |         |
| <u>155,778</u>     |         |        |                    |   | <u>844,016</u> | <u>189,134</u>     |         |
|                    |         |        | <u>876,145</u>     |   |                |                    |         |

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|                    |   |           |                       |   |                       |                    |                |   |
|--------------------|---|-----------|-----------------------|---|-----------------------|--------------------|----------------|---|
|                    | <u>146,974</u>  |           |                       |   |                       | <u>835,212</u>     | <u>180,330</u> |   |
|                    |   |           | <u>867,341</u>        |   |                       |                    |                |   |
| a.                 | Legislative Audit (Restricted/Biennial)   |           |                       |   |                       |                    |                |   |
| 34,175             | 0   | 0         | 0                     | 0 | 0                     | 34,175             | 0              | 0 |
| 0                  | 0   | 0         | 0                     | 0 |                       |                    |                |   |
| 2.                 | Agricultural Sciences Division (30)   |           |                       |   |                       |                    |                |   |
| 0                  | 4,995,989   | 1,260,261 | 0                     | 0 | 6,256,250             | 0                  | 5,003,193      |   |
| 1,264,546          | 0   | 0         | 6,267,739             |   |                       |                    |                |   |
| a.                 | USDA Forest Service Weed Control Grants (Biennial)  |           |                       |   |                       |                    |                |   |
| 0                  | 0   | 2,007,278 | 0                     | 0 | 2,007,278             | 0                  | 0              |   |
| 0                  | 0   | 0         | 0                     |   |                       |                    |                |   |
| b.                 | Weed Control Program <u>FOR LANDS OTHER THAN FISH, WILDLIFE, AND PARKS LANDS</u> (Restricted) |           |                       |   |                       |                    |                |   |
| 101,341            | 0   | 0         | 0                     | 0 | 101,341               | 101,341            | 0              |   |
| 0                  | 0   | 0         | 101,341               |   |                       |                    |                |   |
| 3.                 | Agricultural Development Division (50)  |           |                       |   |                       |                    |                |   |
| 337,420            | 3,106,474   | 220,000   | 263,818               | 0 | 3,927,712             | 337,423            | 3,110,281      |   |
| 220,000            | 265,125   | 0         | 3,932,829             |   |                       |                    |                |   |
| <hr/>              |   |           |                       |   |                       |                    |                |   |
| Total              |   |           |                       |   |                       |                    |                |   |
| <del>622,427</del> | 8,671,310   | 3,550,539 | 320,209               | 0 | <del>13,164,485</del> | <del>621,619</del> | 8,681,089      |   |
| 1,547,546          | 321,521   | 0         | <del>11,171,775</del> |   |                       |                    |                |   |
| <u>628,714</u>     |   |           |                       |   | <u>13,170,772</u>     | <u>627,898</u>     |                |   |
|                    |   |           | <u>11,178,054</u>     |   |                       |                    |                |   |
| <u>619,910</u>     |   |           |                       |   | <u>13,161,968</u>     | <u>619,094</u>     |                |   |
|                    |   |           | <u>11,169,250</u>     |   |                       |                    |                |   |

Item 1 includes a reduction in general fund money of \$6,287 in fiscal year 2004 and \$6,279 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

The funds in item 2b are to be granted to governmental entities through an application process to mitigate the impact of noxious weeds on private and state lands, except department of fish, wildlife, and parks lands, as a result of the activities of the department of fish, wildlife, and parks.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$8,804 IN FISCAL YEAR 2004 AND \$8,804 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

DEPARTMENT OF COMMERCE (6501)

1. ~~Board of Research and Commercialization (50)~~

|                   |   |              |                   |              |                   |                   |              |  |
|-------------------|---|--------------|-------------------|--------------|-------------------|-------------------|--------------|--|
| <del>88,446</del> | <del>0</del>                            | <del>0</del> | <del>0</del>      | <del>0</del> | <del>88,446</del> | <del>88,343</del> | <del>0</del> |  |
| <del>0</del>      | <del>0</del>                            | <del>0</del> | <del>88,343</del> |              |                   |                   |              |  |
| <del>0</del>      | <del>0</del>                            | <del>0</del> | <del>0</del>      | <del>0</del> | <del>0</del>      | <del>0</del>      | <del>0</del> |  |
| <del>0</del>      | <del>0</del>                            | <del>0</del> | <del>0</del>      |              |                   |                   |              |  |
| a.                | Legislative Audit (Restricted/Biennial) |              |                   |              |                   |                   |              |  |
| <del>358</del>    | <del>0</del>                            | <del>0</del> | <del>0</del>      | <del>0</del> | <del>358</del>    | <del>0</del>      | <del>0</del> |  |
| <del>0</del>      | <del>0</del>                            | <del>0</del> | <del>0</del>      |              | <del>0</del>      | <del>0</del>      | <del>0</del> |  |
| <del>0</del>      | <del>0</del>                            | <del>0</del> | <del>0</del>      |              | <del>0</del>      | <del>0</del>      | <del>0</del> |  |

~~1. RESEARCH AND COMMERCIALIZATION (BIENNIAL/OTO)~~

|              |              |              |              |                      |                      |              |              |  |
|--------------|--------------|--------------|--------------|----------------------|----------------------|--------------|--------------|--|
| <del>0</del> | <del>0</del> | <del>0</del> | <del>0</del> | <del>2,500,000</del> | <del>2,500,000</del> | <del>0</del> | <del>0</del> |  |
| <del>0</del> | <del>0</del> | <del>0</del> | <del>0</del> |                      |                      |              |              |  |
| <del>0</del> | <del>0</del> | <del>0</del> | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del> | <del>0</del> |  |
| <del>0</del> | <del>0</del> | <del>0</del> | <del>0</del> |                      |                      |              |              |  |

~~2~~ ~~1~~ 1. Business Resources Division (51)

|                      |         |           |                      |   |                      |                      |         |  |
|----------------------|---------|-----------|----------------------|---|----------------------|----------------------|---------|--|
| <del>1,353,937</del> | 183,810 | 3,196,000 | 0                    | 0 | <del>4,733,747</del> | <del>1,354,763</del> | 185,000 |  |
| 3,200,000            | 0       | 0         | <del>4,739,763</del> |   |                      |                      |         |  |

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|                       |  |                       |                       |                      |                      |                      |              |
|-----------------------|--|-----------------------|-----------------------|----------------------|----------------------|----------------------|--------------|
| <del>1,370,581</del>  |  |                       |                       |                      | <del>4,750,391</del> | <del>1,371,373</del> |              |
|                       |  |                       | <del>4,756,373</del>  |                      |                      |                      |              |
| <u>1,356,811</u>      |  |                       | <u>4,742,603</u>      |                      | <u>4,736,621</u>     | <u>1,357,603</u>     |              |
| a.                    | Legislative Audit (Restricted/Biennial)                      |                       |                       |                      |                      |                      |              |
| 4,000                 | 1,190  | 4,000                 | 0                     | 0                    | 9,190                | 0                    | 0            |
| 0                     | 0  | 0                     | 0                     |                      |                      |                      |              |
| <del>3 3-3 2.</del>   | Montana Promotion Division (52)                              |                       |                       |                      |                      |                      |              |
| 0                     | 750,000  | 0                     | 0                     | 0                    | 750,000              | 0                    | 750,000      |
| 0                     | 0  | 0                     | 750,000               |                      |                      |                      |              |
| a.                    | Legislative Audit (Restricted/Biennial)                      |                       |                       |                      |                      |                      |              |
| 0                     | 18,341   | 0                     | 0                     | 0                    | 18,341               | 0                    | 0            |
| 0                     | 0  | 0                     | 0                     |                      |                      |                      |              |
| <del>4 3-4 3.</del>   | Community Development Division (60)                          |                       |                       |                      |                      |                      |              |
| 198,766               | 572,061  | 4,730,723             | 0                     | 0                    | 5,501,550            | 201,265              | 574,465      |
| 4,728,996             | 0  | 0                     | 5,504,726             |                      |                      |                      |              |
| a.                    | Legislative Audit (Restricted/Biennial)                      |                       |                       |                      |                      |                      |              |
| 2,269                 | 3,273  | 2,269                 | 0                     | 0                    | 7,811                | 0                    | 0            |
| 0                     | 0  | 0                     | 0                     |                      |                      |                      |              |
| b.                    | Hard-Rock Mining Impact Account Reserve (Restricted)         |                       |                       |                      |                      |                      |              |
| 0                     | 100,000  | 0                     | 0                     | 0                    | 100,000              | 0                    | 100,000      |
| 0                     | 0  | 0                     | 100,000               |                      |                      |                      |              |
| c.                    | Coal Board Local Impact Grants (Biennial)                    |                       |                       |                      |                      |                      |              |
| 0                     | 593,333  | 0                     | 0                     | 0                    | 593,333              | 0                    | 593,332      |
| 0                     | 0  | 0                     | 593,332               |                      |                      |                      |              |
| <del>D.</del>         | <del>TSEP ENHANCEMENT -- COAL TAX TRUST (BIENNIAL/OTO)</del> |                       |                       |                      |                      |                      |              |
| <del>0</del>          | <del>0</del>   | <del>0</del>          | <del>0</del>          | <del>5,000,000</del> | <del>5,000,000</del> | <del>0</del>         | <del>0</del> |
| <del>0</del>          | <del>0</del>   | <del>0</del>          | <del>0</del>          |                      |                      |                      |              |
| <del>0</del>          | <del>0</del>   | <del>0</del>          | <del>0</del>          | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |
| <del>0</del>          | <del>0</del>   | <del>0</del>          | <del>0</del>          |                      |                      |                      |              |
| <del>5 4-5 4.</del>   | Housing Division (74)  |                       |                       |                      |                      |                      |              |
| 0                     | 20,000   | 9,260,822             | 0                     | 0                    | 9,280,822            | 0                    | 20,000       |
| 5,573,736             | 0  | 0                     | 5,593,736             |                      |                      |                      |              |
| a.                    | Legislative Audit (Restricted/Biennial)                      |                       |                       |                      |                      |                      |              |
| 0                     | 0  | 3,212                 | 0                     | 0                    | 3,212                | 0                    | 0            |
| 0                     | 0  | 0                     | 0                     |                      |                      |                      |              |
| b.                    | HOME Project Administration Software (OTO)                   |                       |                       |                      |                      |                      |              |
| 0                     | 0  | 40,000                | 0                     | 0                    | 40,000               | 0                    | 0            |
| 0                     | 0  | 0                     | 0                     |                      |                      |                      |              |
| <del>6 5-6 5.</del>   | Director's Office/Management Services Division (81)          |                       |                       |                      |                      |                      |              |
| 0                     | 0  | <del>2,046</del>      | 0                     | 0                    | <del>2,046</del>     | 0                    | 0            |
| <del>2,046</del>      | 0  | 0                     | <del>2,046</del>      |                      |                      |                      |              |
|                       |  | <u>417,481</u>        |                       |                      | <u>417,481</u>       |                      |              |
| <u>417,228</u>        |  |                       | <u>417,228</u>        |                      |                      |                      |              |
| <hr/>                 |  |                       |                       |                      |                      |                      |              |
| Total                 |  |                       |                       |                      |                      |                      |              |
| <del>1,647,776</del>  | 2,242,008  | <del>17,239,072</del> | 0                     | 0                    | 21,128,856           | <del>1,644,371</del> | 2,222,797    |
| <del>13,504,778</del> | 0  | 0                     | <del>17,371,946</del> |                      |                      |                      |              |
| <del>1,575,616</del>  |  |                       |                       |                      | <u>21,056,696</u>    | <u>1,572,638</u>     |              |
|                       |  | <u>17,300,213</u>     |                       |                      |                      |                      |              |
|                       |  |                       | <u>7,500,000</u>      |                      | <u>28,556,696</u>    |                      |              |
| <u>1,561,846</u>      |  | <u>17,654,507</u>     |                       | 0                    | <u>21,458,361</u>    | <u>1,558,868</u>     |              |
| <u>13,919,960</u>     |  |                       | <u>17,701,625</u>     |                      |                      |                      |              |

Item 2 includes a reduction in general fund money of \$16,644 in fiscal year 2004 and \$16,610 in fiscal year 2005. This

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reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

IF LEGISLATION IS NOT PASSED IN A MANNER AUTHORIZING THE PAYMENT OF ADMINISTRATIVE COSTS FROM THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 90-3-1002, THE DEPARTMENT IS APPROPRIATED GENERAL FUND MONEY OF \$88,804 IN FISCAL YEAR 2004 AND \$88,343 IN FISCAL YEAR 2005 FOR ADMINISTRATIVE COSTS OF THE RESEARCH AND COMMERCIALIZATION PROGRAM.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$13,770 IN FISCAL YEAR 2004 AND \$13,770 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

ITEMS 1 AND 4D ARE APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL. THESE APPROPRIATIONS ARE SUBJECT TO THE PROVISIONS OF [SECTION 8].

If House Bill No. 177 is not passed and approved, the biennial appropriation in item ~~4c 3c4c 3c~~ is increased by \$490,000 of state special revenue funding.

TOTAL SECTION C

|                   |                    |                    |                    |                  |                    |                   |                   |
|-------------------|--------------------|--------------------|--------------------|------------------|--------------------|-------------------|-------------------|
| 22,937,313        | 130,008,122        | 67,559,198         | 320,209            | 0                | 220,824,842        | 22,965,700        | 88,633,624        |
| 55,147,537        | 321,521            | 0                  | 167,068,382        |                  |                    |                   |                   |
|                   | <u>130,168,122</u> |                    |                    |                  | <u>220,984,842</u> |                   |                   |
| <u>23,080,199</u> | <u>130,391,517</u> |                    |                    |                  | <u>221,351,123</u> | <u>23,109,334</u> | <u>88,831,486</u> |
|                   |                    | <u>167,409,878</u> |                    |                  |                    |                   |                   |
|                   |                    |                    |                    | <u>7,500,000</u> | <u>228,851,123</u> |                   |                   |
| <u>22,808,959</u> | <u>131,845,966</u> | <u>67,974,633</u>  |                    | <u>0</u>         | <u>222,949,767</u> | <u>22,828,094</u> | <u>90,902,528</u> |
| <u>55,562,719</u> |                    |                    | <u>169,614,862</u> |                  |                    |                   |                   |

D. CORRECTIONS AND PUBLIC SAFETY

CRIME CONTROL DIVISION (4107)

1. Justice System Support Service (01)

|                  |   |                  |                  |          |                  |                  |          |
|------------------|---|------------------|------------------|----------|------------------|------------------|----------|
| 1,628,608        | 0   | 10,422,968       | 0                | 0        | 12,051,576       | 1,630,658        | 0        |
| 10,418,938       | 0   | 0                | 12,049,596       |          |                  |                  |          |
|                  |   | <u>695,563</u>   |                  |          | <u>2,324,171</u> |                  |          |
| <u>691,533</u>   |   |                  | <u>2,322,191</u> |          |                  |                  |          |
| <u>1,645,059</u> |   |                  | <u>2,338,662</u> |          | <u>2,340,622</u> | <u>1,647,129</u> |          |
|                  |   |                  |                  |          |                  |                  |          |
| <u>1,634,819</u> |   |                  |                  |          | <u>2,330,382</u> | <u>1,636,889</u> |          |
|                  |   |                  | <u>2,328,422</u> |          |                  |                  |          |
| <u>A.</u>        | <u>FEDERAL PASS-THROUGH GRANTS (BIENNIAL)</u> |                  |                  |          |                  |                  |          |
| <u>0</u>         | <u>0</u>                                      | <u>9,727,405</u> | <u>0</u>         | <u>0</u> | <u>9,727,405</u> | <u>0</u>         | <u>0</u> |
| <u>9,727,405</u> | <u>0</u>                                      | <u>0</u>         | <u>9,727,405</u> |          |                  |                  |          |

Total

|                  |   |            |                   |   |                   |                  |   |
|------------------|---|------------|-------------------|---|-------------------|------------------|---|
| 1,628,608        | 0 | 10,422,968 | 0                 | 0 | 12,051,576        | 1,630,658        | 0 |
| 10,418,938       | 0 | 0          | 12,049,596        |   |                   |                  |   |
| <u>1,645,059</u> |   |            | <u>12,066,067</u> |   | <u>12,068,027</u> | <u>1,647,129</u> |   |
|                  |   |            |                   |   |                   |                  |   |
| <u>1,634,819</u> |   |            |                   |   | <u>12,057,787</u> | <u>1,636,889</u> |   |
|                  |   |            | <u>12,055,827</u> |   |                   |                  |   |

ALL REMAINING FEDERAL PASS-THROUGH GRANT APPROPRIATIONS, INCLUDING REVERSIONS, FOR THE 2003 BIENNIUM ARE AUTHORIZED TO CONTINUE AND ARE APPROPRIATED IN FISCAL YEAR 2004 AND FISCAL YEAR 2005.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$10,240 IN FISCAL YEAR 2004 AND \$10,240 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

Item 1 includes a reduction in general fund money of \$16,451 in fiscal year 2004 and \$16,471 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations

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subcommittee:

DEPARTMENT OF JUSTICE (4110)

|    |   |                      |           |                      |          |                      |                      |                  |  |
|----|---|----------------------|-----------|----------------------|----------|----------------------|----------------------|------------------|--|
| 1. | Legal Services Division (01)                        |                      |           |                      |          |                      |                      |                  |  |
|    | 3,263,685   | 306,668              | 439,287   | 0                    | 0        | <del>4,009,640</del> | 3,274,433            | 307,823          |  |
|    | 439,474   | 0                    | 0         | <del>4,021,730</del> |          |                      |                      |                  |  |
|    | <u>3,350,476</u>                                    |                      |           |                      |          | <u>4,096,431</u>     | <u>3,361,539</u>     |                  |  |
|    |   |                      |           | <u>4,108,836</u>     |          |                      |                      |                  |  |
|    | <u>3,104,987</u>                                    |                      |           |                      |          | <u>3,850,942</u>     | <u>3,116,050</u>     |                  |  |
|    |   |                      |           | <u>3,863,347</u>     |          |                      |                      |                  |  |
| a. | Major Litigation (Restricted/Biennial)              |                      |           |                      |          |                      |                      |                  |  |
|    | 399,999   | 0                    | 0         | 0                    | 0        | 399,999              | 0                    | 0                |  |
|    | 0   | 0                    | 0         | 0                    |          |                      |                      |                  |  |
| 2. | Gambling Control Division (07)                      |                      |           |                      |          |                      |                      |                  |  |
|    | <del>230,850</del>                                  | 1,916,412            | 0         | 782,759              | 0        | <del>2,930,021</del> | <u>230,850</u>       | 1,907,686        |  |
|    | 0   | 779,196              | 0         | <del>2,917,732</del> |          |                      |                      |                  |  |
|    | <u>0</u>  |                      |           |                      |          | <u>2,699,171</u>     | <u>0</u>             |                  |  |
|    |   |                      |           | <u>2,686,882</u>     |          |                      |                      |                  |  |
| 3. | Motor Vehicle Division (12)                         |                      |           |                      |          |                      |                      |                  |  |
|    | <del>5,228,621</del>                                | <del>3,669,691</del> | 0         | 0                    | 0        | <del>8,898,312</del> | <u>5,386,525</u>     | 3,479,091        |  |
|    | 0   | 0                    | 0         | <del>8,865,616</del> |          |                      |                      |                  |  |
|    | <u>5,432,876</u>                                    | <u>3,682,047</u>     |           |                      |          | <u>9,114,923</u>     | <u>5,586,257</u>     |                  |  |
|    |   |                      |           | <u>9,065,348</u>     |          |                      |                      |                  |  |
|    | <u>5,455,772</u>                                    |                      |           |                      |          | <u>9,137,819</u>     | <u>5,642,278</u>     |                  |  |
|    |   |                      |           | <u>9,121,369</u>     |          |                      |                      |                  |  |
| a. | HB 577 -- Debt Payment (Biennial)                   |                      |           |                      |          |                      |                      |                  |  |
|    | 0   | 1,296,000            | 0         | 0                    | 0        | 1,296,000            | 0                    | 0                |  |
|    | 0   | 0                    | 0         | 0                    |          |                      |                      |                  |  |
| b. | Motor Vehicle Registration Automation (Biennial)    |                      |           |                      |          |                      |                      |                  |  |
|    | 0   | 4,400,000            | 0         | 0                    | 0        | 4,400,000            | 0                    | 0                |  |
|    | 0   | 0                    | 0         | 0                    |          |                      |                      |                  |  |
| c. | HB 711 -- DRIVER'S LICENSE RENEWAL <del>(OTO)</del> |                      |           |                      |          |                      |                      |                  |  |
|    | <u>0</u>  | <u>23,625</u>        | <u>0</u>  | <u>0</u>             | <u>0</u> | <u>23,625</u>        | <u>0</u>             | <u>31,500</u>    |  |
|    | <u>0</u>  | <u>0</u>             | <u>0</u>  | <u>31,500</u>        |          |                      |                      |                  |  |
|    | <u>23,625</u>                                       | <u>0</u>             |           |                      |          |                      | <u>31,500</u>        | <u>0</u>         |  |
| 4. | Highway Patrol Division (13)                        |                      |           |                      |          |                      |                      |                  |  |
|    | 0   | 18,242,702           | 819,383   | 0                    | 0        | 19,062,085           | 0                    | 18,380,577       |  |
|    | 822,589   | 0                    | 0         | 19,203,166           |          |                      |                      |                  |  |
| a. | Prisoner Per Diem (Biennial)                        |                      |           |                      |          |                      |                      |                  |  |
|    | <del>1,166,994</del>                                | 0                    | 0         | 0                    | 0        | 1,166,994            | <del>1,203,293</del> | 0                |  |
|    | 0   | 0                    | 0         | 1,203,293            |          |                      |                      |                  |  |
|    | <u>0</u>  | <u>1,166,994</u>     |           |                      |          |                      | <u>0</u>             | <u>1,203,293</u> |  |
| 5. | Division of Criminal Investigation (18)             |                      |           |                      |          |                      |                      |                  |  |
|    | <del>2,407,754</del>                                | <del>1,538,251</del> | 1,635,885 | 0                    | 0        | <del>5,581,890</del> | <u>2,491,377</u>     | <u>1,542,236</u> |  |
|    | 1,640,429   | 0                    | 0         | <del>5,674,042</del> |          |                      |                      |                  |  |
|    | <u>2,200,561</u>                                    | <u>1,500,689</u>     |           |                      |          | <u>5,337,135</u>     | <u>2,205,697</u>     | <u>1,504,758</u> |  |
|    |   |                      |           | <u>5,350,884</u>     |          |                      |                      |                  |  |
|    | <u>2,418,529</u>                                    |                      |           | <u>5,493,556</u>     |          | <u>5,555,103</u>     | <u>2,348,369</u>     |                  |  |
|    |   |                      |           |                      |          |                      |                      |                  |  |
|    | <u>2,611,055</u>                                    | <u>1,538,251</u>     |           |                      |          | <u>5,785,191</u>     | <u>2,617,543</u>     | <u>1,542,236</u> |  |
|    |   |                      |           | <u>5,800,208</u>     |          |                      |                      |                  |  |
| 6. | County Attorney Payroll (19)                        |                      |           |                      |          |                      |                      |                  |  |
|    | <del>1,623,340</del>                                | 0                    | 0         | 0                    | 0        | <del>1,623,340</del> | <u>1,623,340</u>     | 0                |  |
|    | 0   | 0                    | 0         | <del>1,623,340</del> |          |                      |                      |                  |  |
|    | <u>1,740,350</u>                                    |                      |           |                      |          | <u>1,740,350</u>     | <u>1,740,350</u>     |                  |  |
|    |   |                      |           | <u>1,740,350</u>     |          |                      |                      |                  |  |

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|       |   |   |           |                   |   |                   |                   |                   |
|-------|---|---|-----------|-------------------|---|-------------------|-------------------|-------------------|
| 7.    | Central Services Division (28)                |   |           |                   |   |                   |                   |                   |
|       | 317,970                                       | 443,042   | 0         | 15,129            | 0 | 776,141           | 319,503           | 444,440           |
|       | 0   | 15,179  | 0         | 779,122           |   |                   |                   |                   |
|       | a.  | Legislative Audit (Restricted/Biennial)                   |           |                   |   |                   |                   |                   |
|       | 24,869  | 31,809  | 0         | 1,157             | 0 | 57,835            | 0                 | 0                 |
|       | 0   | 0   | 0         | 0                 |   |                   |                   |                   |
| 8.    | Information Technology Services Division (29) |   |           |                   |   |                   |                   |                   |
|       | 2,891,996                                     | 1,059,482   | 163,309   | 10,199            | 0 | 4,124,986         | 2,898,367         | 1,059,264         |
|       | 162,947                                       | 10,199  | 0         | 4,130,777         |   |                   |                   |                   |
|       | A.  | MOTOR VEHICLE DIVISION DATABASE PROGRAMMING UPDATES (OTO) |           |                   |   |                   |                   |                   |
|       | 183,716                                       | 0   | 0         | 0                 | 0 | 183,716           | 0                 | 0                 |
|       | 0   | 0   | 0         | 0                 |   |                   |                   |                   |
|       | B.  | IT SYSTEM AND DISASTER RECOVERY POSITION (OTO)            |           |                   |   |                   |                   |                   |
|       | 49,715  | 0   | 0         | 0                 | 0 | 49,715            | 49,715            | 0                 |
|       | 0   | 0   | 0         | 49,715            |   |                   |                   |                   |
| 9.    | Forensic Sciences Division (32)               |   |           |                   |   |                   |                   |                   |
|       | 2,215,592                                     | 303,204   | 135,826   | 0                 | 0 | 2,654,622         | 2,232,804         | 303,204           |
|       | 134,370                                       | 0   | 0         | 2,670,378         |   |                   |                   |                   |
| <hr/> |   |   |           |                   |   |                   |                   |                   |
| Total | 19,771,670                                    | 33,207,261  | 3,193,690 | 809,244           | 0 | 56,981,865        | 19,660,492        | 27,424,321        |
|       | 3,199,809                                     | 804,574   | 0         | 51,089,196        |   |                   |                   |                   |
|       | <u>19,972,533</u>                             | <u>33,182,055</u>   |           |                   |   | <u>57,157,522</u> | <u>19,778,660</u> | <u>27,386,843</u> |
|       |   |   |           | <u>51,169,886</u> |   |                   |                   |                   |
|       | <u>20,190,501</u>                             | <u>33,205,680</u>   |           |                   |   | <u>57,399,115</u> | <u>19,921,332</u> | <u>27,418,343</u> |
|       |   |   |           | <u>51,344,058</u> |   |                   |                   |                   |
|       | <u>19,019,646</u>                             | <u>34,386,611</u>   |           |                   |   | <u>57,409,191</u> | <u>18,648,110</u> | <u>28,627,614</u> |
|       |   |   |           | <u>51,280,107</u> |   |                   |                   |                   |

THERE IS APPROPRIATED FROM THE HIGHWAY PATROL RETIREMENT CLEARING ACCOUNT TO THE DEPARTMENT FOR PAYMENTS TO THE MONTANA HIGHWAY PATROL PENSION FUND THE AMOUNT REQUIRED FOR THIS TRANSFER, NOT TO EXCEED \$1,200,000 FOR EACH FISCAL YEAR.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$245,489 IN FISCAL YEAR 2004 AND \$245,489 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIIUM OPERATING PLANS.

~~If Senate Bill No. 118 is not passed and approved, item 3 is increased by \$251,415 of general fund money in fiscal year 2004.~~

If House Bill No. 559 is not passed and approved, item 3 is increased by \$152,457 of general fund money in fiscal year 2004 and \$172,730 of general fund money in fiscal year 2005.

Fiscal years 2004 and 2005 state special revenue in item 3 includes \$3,237,493 in fiscal year 2004 and \$3,046,893 in fiscal year 2005 of the fund balance from revenue sources not restricted to certain purposes by the Montana constitution.

~~Item 3 includes a reduction in general fund money of \$204,255 in fiscal year 2004 and \$199,732 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.~~

~~ITEM 3 CONTAINS AN INCREASE OF \$12,356 OF STATE SPECIAL REVENUE IN FISCAL YEAR 2004. THE INCREASE IS CONTINGENT UPON PASSAGE AND APPROVAL OF HOUSE BILL NO. 557.~~

Item 3b is contingent upon passage and approval of House Bill No. 261.

~~ITEM 3C IS CONTINGENT UPON PASSAGE AND APPROVAL OF HOUSE BILL NO. 711.~~

~~———— If House Bill No. 124 is not passed and approved, item 5 is increased by \$1,103,400 of general fund money in fiscal year 2004 and \$1,106,952 of general fund money in fiscal year 2005 and state special revenue is decreased by the same amounts in each fiscal year.~~

The appropriation for legislative contract authority is subject to all of the following provisions:

———— (1) Legislative contract authority expenditures must be reported on state accounting records and kept separate from present law operations. In preparing the 2007 biennium executive budget, the office of budget and program planning may not include

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expenditures from this item in the present law base.

(2) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

If Senate Bill No. 128 is not passed and approved, item 8 is increased by \$120,794 of general fund money in fiscal year 2004 and \$120,839 of general fund money in fiscal year 2005 and state special revenue is decreased by \$290,589 in fiscal year 2004 and \$290,371 in fiscal year 2005.

THE DEPARTMENT SHALL PRESENT TO THE 59TH LEGISLATURE OPTIONS FOR THE FUNDING AND OPERATION OF THE FIRE PREVENTION AND INVESTIGATION BUREAU.

PUBLIC SERVICE REGULATION (4201)

1. Public Service Regulation Program (01)

|        |                      |        |                      |   |                      |   |                      |
|--------|----------------------|--------|----------------------|---|----------------------|---|----------------------|
| 0      | <del>2,589,276</del> | 13,695 | 0                    | 0 | <del>2,602,971</del> | 0 | <del>2,592,539</del> |
| 13,634 | 0                    | 0      | <del>2,606,173</del> |   |                      |   |                      |
|        | <u>2,590,431</u>     |        |                      |   | <u>2,604,126</u>     |   | <u>2,593,694</u>     |
|        |                      |        | <u>2,607,328</u>     |   |                      |   |                      |
|        | <u>2,640,849</u>     |        |                      |   | <u>2,654,544</u>     |   | <u>2,644,112</u>     |
|        |                      |        | <u>2,657,746</u>     |   |                      |   |                      |

a. Legislative Audit (Restricted/Biennial)

|   |        |    |   |   |        |   |   |
|---|--------|----|---|---|--------|---|---|
| 0 | 18,315 | 87 | 0 | 0 | 18,402 | 0 | 0 |
| 0 | 0      | 0  | 0 |   |        |   |   |

b. Consultants (Restricted/Biennial)

|   |                   |   |                  |   |                   |   |                  |
|---|-------------------|---|------------------|---|-------------------|---|------------------|
| 0 | <del>54,701</del> | 0 | 0                | 0 | <del>54,701</del> | 0 | <del>1,155</del> |
| 0 | 0                 | 0 | <del>1,155</del> |   |                   |   |                  |
|   | <u>53,546</u>     |   |                  |   | <u>53,546</u>     |   | <u>0</u>         |

c. SB 247 -- ADVISORY SERVICES (RESTRICTED/BIENNIAL)

|          |                |          |          |          |                |          |          |
|----------|----------------|----------|----------|----------|----------------|----------|----------|
| <u>0</u> | <u>500,000</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>500,000</u> | <u>0</u> | <u>0</u> |
| <u>0</u> | <u>0</u>       | <u>0</u> | <u>0</u> |          |                |          |          |

Total

|        |                      |        |                      |   |                      |   |                      |
|--------|----------------------|--------|----------------------|---|----------------------|---|----------------------|
| 0      | <del>2,662,292</del> | 13,782 | 0                    | 0 | <del>2,676,074</del> | 0 | <del>2,593,694</del> |
| 13,634 | 0                    | 0      | <del>2,607,328</del> |   |                      |   |                      |
|        | <u>3,212,710</u>     |        |                      |   | <u>3,226,492</u>     |   | <u>2,644,112</u>     |
|        |                      |        | <u>2,657,746</u>     |   |                      |   |                      |

DEPARTMENT OF CORRECTIONS (6401)

1. Administration and Support Services (01)

|                      |         |   |                      |   |                      |                      |       |
|----------------------|---------|---|----------------------|---|----------------------|----------------------|-------|
| <del>9,683,138</del> | 2,620   | 0 | 86,943               | 0 | <del>9,772,701</del> | <del>9,765,860</del> | 3,796 |
| 0                    | 103,755 | 0 | <del>9,873,411</del> |   |                      |                      |       |
| <u>8,851,487</u>     |         |   |                      |   | <u>8,941,050</u>     | <u>8,934,209</u>     |       |
|                      |         |   | <u>9,041,760</u>     |   |                      |                      |       |

a. Legislative Audit (Restricted/Biennial)

|         |       |   |       |   |         |   |   |
|---------|-------|---|-------|---|---------|---|---|
| 112,111 | 3,982 | 0 | 7,462 | 0 | 123,555 | 0 | 0 |
| 0       | 0     | 0 | 0     |   |         |   |   |

b. HB 220 -- REVISE RESTITUTION LAWS

|          |               |          |               |          |               |          |               |
|----------|---------------|----------|---------------|----------|---------------|----------|---------------|
| <u>0</u> | <u>98,661</u> | <u>0</u> | <u>0</u>      | <u>0</u> | <u>98,661</u> | <u>0</u> | <u>89,598</u> |
| <u>0</u> | <u>0</u>      | <u>0</u> | <u>89,598</u> |          |               |          |               |

2. Community Corrections (02)

|            |         |   |            |   |            |            |         |
|------------|---------|---|------------|---|------------|------------|---------|
| 21,298,386 | 303,828 | 0 | 0          | 0 | 21,602,214 | 21,360,619 | 303,828 |
| 0          | 0       | 0 | 21,664,447 |   |            |            |         |

3. Secure Facilities (03)

|                       |                      |        |                       |   |                       |                       |                      |
|-----------------------|----------------------|--------|-----------------------|---|-----------------------|-----------------------|----------------------|
| <del>52,036,901</del> | <del>1,124,938</del> | 80,288 | 0                     | 0 | <del>53,242,127</del> | <del>51,987,583</del> | <del>1,124,938</del> |
| 80,288                | 0                    | 0      | <del>53,192,809</del> |   |                       |                       |                      |
| <u>54,642,428</u>     |                      |        |                       |   | <u>55,847,654</u>     | <u>56,012,642</u>     |                      |
|                       |                      |        | <u>57,217,868</u>     |   |                       |                       |                      |
| <u>53,027,943</u>     | <u>1,408,688</u>     |        |                       |   | <u>54,516,919</u>     | <u>52,978,625</u>     | <u>1,408,688</u>     |



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|       |                                       |  |           |         |             |         |             |             |
|-------|---------------------------------------|--|-----------|---------|-------------|---------|-------------|-------------|
|       |                                       |  |           |         | 54,467,601  |         |             |             |
|       | A.                                    | ADDITIONAL GENERAL FUND -- SB 407 CONTINGENCY (BIENNIAL) |           |         |             |         |             |             |
|       |                                       | 4,600,000  | 0         | 0       | 0           | 0       | 4,600,000   | 0           |
|       |                                       | 0  | 0         | 0       | 0           |         |             | 0           |
| 4.    | Montana Correctional Enterprises (04) | 968,410  | 0         | 0       | 376,305     | 0       | 1,344,715   | 969,815     |
|       |                                       | 0  | 377,450   | 0       | 1,347,265   |         |             | 0           |
|       |                                       |  |           |         | 444,411     |         | 1,412,821   |             |
|       |                                       |  | 445,556   |         | 1,415,371   |         |             |             |
|       | A.                                    | <del>CANNERY -- COAL TAX TRUST (BIENNIAL/OTO)</del>      |           |         |             |         |             |             |
|       |                                       | 0  | 0         | 0       | 0           | 200,000 | 200,000     | 0           |
|       |                                       | 0  | 0         | 0       | 0           |         | 0           | 0           |
|       |                                       | 0  | 0         | 0       | 0           | 0       | 0           | 0           |
|       | A.                                    | SB 118 -- LICENSE PLATE -- DELAY REISSUE                 |           |         |             |         |             |             |
|       |                                       | 570,079  | 0         | 0       | 0           | 0       | 570,079     | 570,079     |
|       |                                       | 0  | 0         | 0       | 570,079     |         |             | 0           |
|       | B.                                    | MONTANA FOOD BANK NETWORK CANNERY (RESTRICTED)           |           |         |             |         |             |             |
|       |                                       | 0  | 0         | 100,000 | 0           | 0       | 100,000     | 0           |
|       |                                       | 100,000  | 0         | 0       | 100,000     |         |             | 0           |
| 5.    | Juvenile Corrections (05)             | 17,514,200   | 437,013   | 316,765 | 0           | 0       | 18,267,978  | 17,529,269  |
|       |                                       | 316,765  | 0         | 0       | 18,283,047  |         |             | 437,013     |
| <hr/> |                                       |  |           |         |             |         |             |             |
| Total |                                       | 101,613,146  | 1,872,381 | 397,053 | 470,710     | 0       | 104,353,290 | 101,613,146 |
|       |                                       | 397,053  | 481,205   | 0       | 104,360,979 |         |             | 1,869,575   |
|       |                                       | 104,218,673  |           |         |             |         | 106,958,817 | 105,638,205 |
|       |                                       |  |           |         | 108,386,038 |         |             |             |
|       |                                       | 107,204,188  | 2,156,131 |         | 538,816     |         | 110,296,188 | 102,604,188 |
|       |                                       |  | 549,311   |         | 105,703,877 |         |             | 2,153,325   |
|       |                                       |  |           |         |             | 200,000 | 110,496,188 |             |
|       |                                       | 106,942,616  | 2,254,792 | 497,053 | 0           |         | 110,233,277 | 102,342,616 |
|       |                                       | 497,053  |           |         | 105,631,903 |         |             | 2,242,923   |

Item 3 includes a reduction in general fund money of \$991,042 in fiscal year 2004 and \$991,042 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

Item 3 is increased by \$3,500,000 of general fund money in each year of the 2005 biennium if House Bill No. 363 is passed and approved. The department may reallocate this increase in funding among divisions when developing the 2005 biennium operating plans.

~~ITEM 3 INCLUDES \$2,605,527 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$4,025,059 OF GENERAL FUND MONEY IN FISCAL YEAR 2005. THE DEPARTMENT MAY REALLOCATE THIS INCREASE IN FUNDING AMONG DIVISIONS OR PROGRAMS WHEN DEVELOPING THE 2005 BIENNium OPERATING PLANS. IF HOUSE BILL NO. 750 IS NOT PASSED AND APPROVED, THEN ITEM 3 IS REDUCED BY \$2,605,527 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$4,025,059 OF GENERAL FUND MONEY IN FISCAL YEAR 2005.~~

~~ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$831,651 IN FISCAL YEAR 2004 AND \$831,651 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNium OPERATING PLANS.~~

~~THE DEPARTMENT MAY REALLOCATE THE APPROPRIATIONS IN ITEMS 1 THROUGH 5 AMONG DIVISIONS OR PROGRAMS WHEN DEVELOPING THE 2005 BIENNium OPERATING PLANS.~~

~~ITEM 3 CONTAINS AN INCREASE OF \$3,500,000 OF GENERAL FUND MONEY IN EACH YEAR OF THE 2005 BIENNium. THESE INCREASES ARE CONTINGENT UPON PASSAGE AND APPROVAL OF HOUSE BILL NO. 363. THE DEPARTMENT MAY REALLOCATE THIS INCREASE IN FUNDING AMONG DIVISIONS OR PROGRAMS WHEN DEVELOPING THE 2005 BIENNium OPERATING PLANS.~~

~~ITEM 3A IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 407. THE DEPARTMENT MAY REALLOCATE THIS~~

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INCREASE IN FUNDING AMONG DIVISIONS OR PROGRAMS WHEN DEVELOPING THE 2005 BIENNIUM OPERATING PLANS.

~~Item 4 contains a reduction of \$2,995,008 in fiscal year 2004 and \$580,228 in fiscal year 2005 of general fund money. These reductions are contingent upon passage and approval of Senate Bill No. 118.~~

~~ITEM 4A IS APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL. THIS APPROPRIATION IS SUBJECT TO THE PROVISIONS OF [SECTION 8].~~

~~ITEM 4B IS CONTINGENT UPON RECEIPT OF FEDERAL FUNDS IDENTIFIED SPECIFICALLY FOR THE PURPOSE OF FUNDING CANNERY OPERATIONS.~~

DEPARTMENT OF LABOR AND INDUSTRY (6602)

|    |  |  |                |                       |   |                       |                    |                       |
|----|--|--|----------------|-----------------------|---|-----------------------|--------------------|-----------------------|
| 1. | Workforce Services Division (01)                         |  |                |                       |   |                       |                    |                       |
|    | <del>366,291</del>                                       | 7,186,294  | 24,327,229     | 0                     | 0 | <del>31,879,814</del> | <del>367,711</del> | 7,217,476             |
|    | 24,329,500   | 0  | 0              | <del>31,914,687</del> |   |                       |                    |                       |
|    | <u>347,251</u>   |  |                |                       |   | <u>31,860,774</u>     | <u>348,671</u>     |                       |
|    |  |  |                | <u>31,895,647</u>     |   |                       |                    |                       |
|    | a.   | Legislative Audit (Restricted/Biennial)                |                |                       |   |                       |                    |                       |
|    | 925  | 25,573   | 32,380         | 0                     | 0 | 58,878                | 0                  | 0                     |
|    | 0  | 0  | 0              | 0                     |   |                       |                    |                       |
|    | B.   | <u>HB 564 -- WORKFORCE TRAINING ACT</u>                |                |                       |   |                       |                    |                       |
|    | 0  | <u>125,000</u>   | 0              | 0                     | 0 | <u>125,000</u>        | 0                  | <u>125,000</u>        |
|    | 0  | 0  | 0              | <u>125,000</u>        |   |                       |                    |                       |
|    | C.   | <u>SB 484 -- EMPOWERMENT ZONES</u>                     |                |                       |   |                       |                    |                       |
|    | <u>24,264</u>  | 0  | 0              | 0                     | 0 | <u>24,264</u>         | <u>23,960</u>      | 0                     |
|    | 0  | 0  | 0              | <u>23,960</u>         |   |                       |                    |                       |
| 2. | Unemployment Insurance Division (02)                     |  |                |                       |   |                       |                    |                       |
|    | 0  | 304,955  | 6,313,899      | 0                     | 0 | 6,618,854             | 0                  | 304,955               |
|    | 6,340,652  | 0  | 0              | 6,645,607             |   |                       |                    |                       |
|    | a.   | Legislative Audit (Restricted/Biennial)                |                |                       |   |                       |                    |                       |
|    | 0  | 0  | 17,003         | 0                     | 0 | 17,003                | 0                  | 0                     |
|    | 0  | 0  | 0              | 0                     |   |                       |                    |                       |
|    | B.   | <u>SB 271 -- POINTS/UI TAX COLLECTION (RESTRICTED)</u> |                |                       |   |                       |                    |                       |
|    | 0  | 0  | <u>137,853</u> | 0                     | 0 | <u>137,853</u>        | 0                  | 0                     |
|    | <u>2,405,000</u>   | 0  | 0              | <u>2,405,000</u>      |   |                       |                    |                       |
| 3. | Commissioner's Office/Centralized Services Division (03) |  |                |                       |   |                       |                    |                       |
|    | 117,010  | 798,121  | 426,529        | 67,829                | 0 | 1,409,489             | 117,902            | 798,554               |
|    | 427,225  | 67,851   | 0              | 1,411,532             |   |                       |                    |                       |
|    | a.   | Legislative Audit (Restricted/Biennial)                |                |                       |   |                       |                    |                       |
|    | 514  | 1,541  | 1,060          | 127                   | 0 | 3,242                 | 0                  | 0                     |
|    | 0  | 0  | 0              | 0                     |   |                       |                    |                       |
|    | B.   | <u>INCLUSION OF TRIBAL LABOR MARKET INFORMATION</u>    |                |                       |   |                       |                    |                       |
|    | 0  | <u>1,000</u>   | 0              | 0                     | 0 | <u>1,000</u>          | 0                  | <u>1,000</u>          |
|    | 0  | 0  | 0              | <u>1,000</u>          |   |                       |                    |                       |
| 4. | Employment Relations Division (04)                       |  |                |                       |   |                       |                    |                       |
|    | <del>647,507</del>                                       | 6,478,442  | 718,088        | 0                     | 0 | <del>7,844,037</del>  | <del>648,473</del> | 6,488,472             |
|    | 721,000  | 0  | 0              | <del>7,857,945</del>  |   |                       |                    |                       |
|    | <u>659,204</u>   |  |                |                       |   | <u>7,855,734</u>      | <u>660,170</u>     |                       |
|    |  |  |                | <u>7,869,642</u>      |   |                       |                    |                       |
|    | a.   | Legislative Audit (Restricted/Biennial)                |                |                       |   |                       |                    |                       |
|    | 1,839  | 13,106   | 2,912          | 0                     | 0 | 17,857                | 0                  | 0                     |
|    | 0  | 0  | 0              | 0                     |   |                       |                    |                       |
| 5. | Business Standards Division (05)                         |  |                |                       |   |                       |                    |                       |
|    | 0  | <del>10,556,147</del>                                  | 0              | 0                     | 0 | <del>10,556,147</del> | 0                  | <del>10,592,039</del> |
|    | 0  | 0  | 0              | <del>10,592,039</del> |   |                       |                    |                       |
|    | <u>10,572,136</u>  |  |                |                       |   | <u>10,572,136</u>     | <u>10,567,364</u>  |                       |
|    |  |  |                | <u>10,567,364</u>     |   |                       |                    |                       |
|    | a.   | Legislative Audit (Restricted/Biennial)                |                |                       |   |                       |                    |                       |
|    | 0  | 10,869   | 0              | 0                     | 0 | 10,869                | 0                  | 0                     |

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|    |   |         |           |           |   |           |        |         |
|----|---|---------|-----------|-----------|---|-----------|--------|---------|
|    | 0                                       | 0       | 0         | 0         |   |           |        |         |
| 6. | Montana Community Services (07)         |         |           |           |   |           |        |         |
|    | 23,950                                  | 743     | 3,082,767 | 0         | 0 | 3,107,460 | 23,950 | 743     |
|    | 3,082,966                               | 0       | 0         | 3,107,659 |   |           |        |         |
| a. | Legislative Audit (Restricted/Biennial) |         |           |           |   |           |        |         |
|    | 0                                       | 0       | 621       | 0         | 0 | 621       | 0      | 0       |
|    | 0                                       | 0       | 0         | 0         |   |           |        |         |
| 7. | Workers' Compensation Court (09)        |         |           |           |   |           |        |         |
|    | 0                                       | 445,813 | 0         | 0         | 0 | 445,813   | 0      | 445,781 |
|    | 0                                       | 0       | 0         | 445,781   |   |           |        |         |
| a. | Legislative Audit (Restricted/Biennial) |         |           |           |   |           |        |         |
|    | 0                                       | 932     | 0         | 0         | 0 | 932       | 0      | 0       |
|    | 0                                       | 0       | 0         | 0         |   |           |        |         |

Total

|                       |                       |                       |                       |              |                       |                      |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|--------------|-----------------------|----------------------|-----------------------|
| <del>1,158,036</del>  | <del>25,822,536</del> | <del>34,922,488</del> | <del>67,956</del>     | <del>0</del> | <del>61,971,016</del> | <del>1,158,036</del> | <del>25,848,020</del> |
| <del>34,901,343</del> | <del>67,851</del>     | <del>0</del>          | <del>61,975,250</del> |              |                       |                      |                       |
| <del>1,169,733</del>  |                       |                       | <del>61,986,947</del> |              | <del>61,982,713</del> | <del>1,169,733</del> |                       |
| <u>1,174,957</u>      | <u>25,964,525</u>     | <u>35,060,341</u>     |                       |              | <u>62,267,779</u>     | <u>1,174,653</u>     | <u>25,949,345</u>     |
| <u>37,306,343</u>     |                       |                       | <u>64,498,192</u>     |              |                       |                      |                       |

Item 4 includes a reduction in general fund money of \$11,697 in fiscal year 2004 and \$11,697 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 1 INCLUDES FEDERAL SPECIAL REVENUE OF \$605,685 IN FISCAL YEAR 2004 AND \$603,539 IN FISCAL YEAR 2005, FROM THE SPECIAL REED ACT (A PART OF THE EMPLOYMENT SECURITY ADMINISTRATIVE FINANCING ACT OF 1954) DISTRIBUTION, THAT IS APPROPRIATED FOR LEGITIMATE WAGNER-PEYSER EMPLOYMENT SERVICES ACTIVITIES, UNEMPLOYMENT INSURANCE BENEFITS, AND UNEMPLOYMENT INSURANCE ADMINISTRATION.

THE DEPARTMENT IS APPROPRIATED UP TO \$80,000 IN STATE SPECIAL REVENUE FROM THE NATURAL RESOURCE WORKERS' TUITION SCHOLARSHIP STATE SPECIAL REVENUE FUND AS A BIENNIAL, ONE-TIME APPROPRIATION TO THE WORKFORCE SERVICES DIVISION FOR THE PURPOSE OF SUPPLEMENTING FEDERAL SPECIAL REVENUE THAT BECOMES AVAILABLE TO PAY FOR SERVICES FOR ENROLLEES IN THE DISLOCATED WORKER PROGRAM AS A RESULT OF THE STIMSON MILL CLOSURE.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$19,040 IN FISCAL YEAR 2004 AND \$19,040 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNium OPERATING PLANS.

ITEM 1B IS CONTINGENT UPON PASSAGE AND APPROVAL OF HOUSE BILL NO. 564.

ITEM 1C IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 484.

ITEM 2B IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 271.

ITEM 3B IS CONTINGENT UPON THE AVAILABILITY AND INCLUSION ON THE DEPARTMENT'S WEBSITE OR OTHER PUBLIC DOCUMENT OF BUREAU OF INDIAN AFFAIRS' AND MONTANA TRIBES' LABOR MARKET INFORMATION. THE DEPARTMENT SHALL COLLABORATE WITH THE BUREAU OF INDIAN AFFAIRS AND ANY APPROPRIATE MONTANA TRIBAL GOVERNMENT TO PROVIDE ACCESS TO AND DISSEMINATE BUREAU OF INDIAN AFFAIRS AND MONTANA TRIBE LABOR MARKET INFORMATION THROUGH THE DEPARTMENT. DEPARTMENT OF MILITARY AFFAIRS (6701)

|    |   |   |        |                |   |                |                |   |
|----|---|---|--------|----------------|---|----------------|----------------|---|
| 1. | Centralized Services (01)               |   |        |                |   |                |                |   |
|    | <del>374,252</del>                      | 0 | 97,533 | 0              | 0 | 471,785        | 374,696        | 0 |
|    | 97,334                                  | 0 | 0      | 472,030        |   |                |                |   |
|    | <u>389,453</u>                          |   |        |                |   | <u>486,986</u> | <u>388,129</u> |   |
|    |   |   |        | <u>485,463</u> |   |                |                |   |
| a. | Legislative Audit (Restricted/Biennial) |   |        |                |   |                |                |   |
|    | 444                                     | 0 | 0      | 0              | 0 | 444            | 0              | 0 |
|    | 0                                       | 0 | 0      | 0              |   |                |                |   |
| 2. | Challenge Program (02)                  |   |        |                |   |                |                |   |

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|-------|--------------------------------------|--|------------|-----------------------|----------|-----------------------|----------------------|--------------------|
|       | 1,119,876                            | 0  | 1,679,814  | 0                     | 0        | 2,799,690             | 1,119,831            | 0                  |
|       | 1,679,747                            | 0  | 0          | 2,799,578             |          |                       |                      |                    |
|       | a.                                   | Legislative Audit (Restricted/Biennial)                            |            |                       |          |                       |                      |                    |
|       | 11,173                               | 0  | 0          | 0                     | 0        | 11,173                | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
| 3.    | Scholarship Program (03)             |  |            |                       |          |                       |                      |                    |
|       | a.                                   | National Guard Scholarship Program (Restricted/Biennial/OTO)       |            |                       |          |                       |                      |                    |
|       | <del>337,090</del>                   | 0  | 0          | 0                     | 0        | <del>337,090</del>    | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
|       | <u>250,000</u>                       |  |            |                       |          | <u>250,000</u>        |                      |                    |
| 4.    | Army National Guard Program (12)     |  |            |                       |          |                       |                      |                    |
|       | <del>1,140,979</del>                 | 296,000  | 4,654,010  | 0                     | 0        | <del>6,090,989</del>  | <del>1,144,171</del> | 386,000            |
|       | 4,651,932                            | 0  | 0          | <del>6,182,103</del>  |          |                       |                      |                    |
|       | <u>1,182,418</u>                     |  |            |                       |          | <u>6,132,428</u>      | <u>1,185,272</u>     |                    |
|       |                                      |  |            | <u>6,223,204</u>      |          |                       |                      |                    |
|       | a.                                   | Legislative Audit (Restricted/Biennial)                            |            |                       |          |                       |                      |                    |
|       | 25,027                               | 0  | 0          | 0                     | 0        | 25,027                | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
| 5.    | Air National Guard Program (13)      |  |            |                       |          |                       |                      |                    |
|       | 302,972                              | 0  | 2,260,254  | 0                     | 0        | 2,563,226             | 308,408              | 0                  |
|       | 2,261,904                            | 0  | 0          | 2,570,312             |          |                       |                      |                    |
|       | a.                                   | Legislative Audit (Restricted/Biennial)                            |            |                       |          |                       |                      |                    |
|       | 5,810                                | 0  | 0          | 0                     | 0        | 5,810                 | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
| 6.    | Disaster and Emergency Services (21) |  |            |                       |          |                       |                      |                    |
|       | 454,301                              | 13,700   | 4,312,072  | 0                     | 0        | 4,780,073             | 454,972              | 13,700             |
|       | 4,312,223                            | 0  | 0          | 4,780,895             |          |                       |                      |                    |
|       | a.                                   | Legislative Audit (Restricted/Biennial)                            |            |                       |          |                       |                      |                    |
|       | 671                                  | 0  | 670        | 0                     | 0        | 1,341                 | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
|       | B.                                   | <u>SB 112 -- FUND SEARCH AND RESCUE</u>                            |            |                       |          |                       |                      |                    |
|       | <u>0</u>                             | <u>83,330</u>  | <u>0</u>   | <u>0</u>              | <u>0</u> | <u>83,330</u>         | <u>0</u>             | <u>150,159</u>     |
|       | <u>0</u>                             | <u>0</u>   | <u>0</u>   | <u>150,159</u>        |          |                       |                      |                    |
| 7.    | Veterans' Affairs Program (31)       |  |            |                       |          |                       |                      |                    |
|       | 666,023                              | 187,325  | 0          | 0                     | 0        | 853,348               | 666,918              | 187,489            |
|       | 0                                    | 0  | 0          | 854,407               |          |                       |                      |                    |
|       | a.                                   | Legislative Audit (Restricted/Biennial)                            |            |                       |          |                       |                      |                    |
|       | 895                                  | 0  | 0          | 0                     | 0        | 895                   | 0                    | 0                  |
|       | 0                                    | 0  | 0          | 0                     |          |                       |                      |                    |
|       | B.                                   | <u>HB 761 -- VETERANS' CEMETERY</u>                                |            |                       |          |                       |                      |                    |
|       | <u>0</u>                             | <u>150,000</u>   | <u>0</u>   | <u>0</u>              | <u>0</u> | <u>150,000</u>        | <u>0</u>             | <u>0</u>           |
|       | <u>0</u>                             | <u>0</u>   | <u>0</u>   | <u>0</u>              |          |                       |                      |                    |
|       | C.                                   | <u>SB 401 -- REVISE DUTIES AND MEMBERSHIP OF VETERANS' AFFAIRS</u> |            |                       |          |                       |                      |                    |
|       | <u>0</u>                             | <u>279,586</u>   | <u>0</u>   | <u>0</u>              | <u>0</u> | <u>279,586</u>        | <u>0</u>             | <u>559,173</u>     |
|       | <u>0</u>                             | <u>0</u>   | <u>0</u>   | <u>559,173</u>        |          |                       |                      |                    |
| <hr/> |                                      |  |            |                       |          |                       |                      |                    |
| Total | <del>4,439,513</del>                 | <del>497,025</del>   | 13,004,353 | 0                     | 0        | <del>17,940,891</del> | <del>4,068,996</del> | <del>587,189</del> |
|       | 13,003,140                           | 0  | 0          | <del>17,659,325</del> |          |                       |                      |                    |
|       | <u>4,480,952</u>                     |  |            |                       |          | <u>17,982,330</u>     | <u>4,110,097</u>     |                    |
|       |                                      |  |            | <u>17,700,426</u>     |          |                       |                      |                    |
|       | <u>4,409,063</u>                     | <u>1,009,941</u>   |            |                       |          | <u>18,423,357</u>     | <u>4,123,530</u>     | <u>1,296,521</u>   |
|       |                                      |  |            | <u>18,423,191</u>     |          |                       |                      |                    |

Item 4 includes a reduction in general fund money of \$41,439 in fiscal year 2004 and \$41,101 in fiscal year 2005. This

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reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans:

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$48,508 IN FISCAL YEAR 2004 AND \$48,508 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

ITEM 6B IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL NO. 112.

TOTAL SECTION D

|                    |            |            |                    |         |                    |                    |            |
|--------------------|------------|------------|--------------------|---------|--------------------|--------------------|------------|
| 128,610,973        | 64,061,495 | 61,954,334 | 1,347,910          | 0       | 255,974,712        | 128,131,328        | 58,322,799 |
| 61,933,917         | 1,353,630  | 0          | 249,741,674        |         |                    |                    |            |
| <u>131,216,500</u> |            |            |                    |         | <u>258,580,239</u> | <u>132,156,387</u> |            |
|                    |            |            | <u>253,766,733</u> |         |                    |                    |            |
| 134,472,465        | 64,320,039 |            | 1,416,016          |         | 262,162,854        | 129,309,807        | 58,569,071 |
|                    | 1,421,736  |            | <u>251,234,531</u> |         |                    |                    |            |
| 134,690,433        | 64,343,664 |            |                    | 200,000 | 262,604,447        | 129,452,479        | 58,600,571 |
|                    |            |            | <u>251,408,703</u> |         |                    |                    |            |
| 133,181,101        | 66,828,579 | 62,192,187 |                    | 0       | 263,617,883        | 127,925,798        | 60,760,515 |
| <u>64,438,917</u>  |            |            | <u>254,546,966</u> |         |                    |                    |            |

E. EDUCATION

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

1. OPI Administration (06)

|                   |         |            |                   |   |            |           |         |
|-------------------|---------|------------|-------------------|---|------------|-----------|---------|
| 4,492,769         | 193,565 | 6,283,472  | 0                 | 0 | 10,969,806 | 4,502,763 | 194,373 |
| 6,288,297         | 0       | 0          | 10,985,433        |   |            |           |         |
| 4,443,120         |         | 12,239,546 |                   |   | 16,876,231 | 4,453,114 |         |
| <u>12,328,763</u> |         |            | <u>16,976,250</u> |   |            |           |         |

a. Federal Funds (Biennial)

|           |   |           |           |   |           |   |   |
|-----------|---|-----------|-----------|---|-----------|---|---|
| 0         | 0 | 5,956,074 | 0         | 0 | 5,956,074 | 0 | 0 |
| 6,040,466 | 0 | 0         | 6,040,466 |   |           |   |   |
| 0         | 0 | 0         | 0         | 0 | 0         | 0 | 0 |
| 0         | 0 | 0         | 0         |   |           |   |   |

2. Distribution to Public Schools (09)

|             |   |             |             |   |             |   |   |
|-------------|---|-------------|-------------|---|-------------|---|---|
| 0           | 0 | 114,772,612 | 0           | 0 | 114,772,612 | 0 | 0 |
| 125,619,361 | 0 | 0           | 125,619,361 |   |             |   |   |

a. BASE Aid (Restricted/Biennial)

|                    |   |   |             |   |                    |                    |   |
|--------------------|---|---|-------------|---|--------------------|--------------------|---|
| 389,833,550        | 0 | 0 | 0           | 0 | 389,833,550        | 382,104,968        | 0 |
| 0                  | 0 | 0 | 382,104,968 |   |                    |                    |   |
| <u>394,959,998</u> |   |   |             |   | <u>394,959,998</u> |                    |   |
| <u>395,010,319</u> |   |   |             |   | <u>395,010,319</u> | <u>387,209,970</u> |   |

|             |  |  |  |  |             |             |  |
|-------------|--|--|--|--|-------------|-------------|--|
| 401,286,894 |  |  |  |  | 401,286,894 | 401,402,820 |  |
|-------------|--|--|--|--|-------------|-------------|--|

b. Special Education (Restricted/Biennial)

|                   |   |   |            |   |                   |                   |   |
|-------------------|---|---|------------|---|-------------------|-------------------|---|
| 34,912,640        | 0 | 0 | 0          | 0 | 34,912,640        | 34,912,640        | 0 |
| 0                 | 0 | 0 | 34,912,640 |   |                   |                   |   |
| <u>36,612,640</u> |   |   |            |   | <u>36,612,640</u> | <u>38,512,640</u> |   |

|  |  |  |                   |  |  |  |  |
|--|--|--|-------------------|--|--|--|--|
|  |  |  | <u>38,512,640</u> |  |  |  |  |
|--|--|--|-------------------|--|--|--|--|

|            |  |  |  |  |            |            |  |
|------------|--|--|--|--|------------|------------|--|
| 34,912,640 |  |  |  |  | 34,912,640 | 34,912,640 |  |
|------------|--|--|--|--|------------|------------|--|

c. Transportation Aid (Restricted/Biennial)

|  |  |  |                   |  |  |                   |  |
|--|--|--|-------------------|--|--|-------------------|--|
|  |  |  | <u>36,412,640</u> |  |  | <u>36,412,640</u> |  |
|--|--|--|-------------------|--|--|-------------------|--|

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|                       |  |           |                       |                   |                       |                       |          |
|-----------------------|--|-----------|-----------------------|-------------------|-----------------------|-----------------------|----------|
| <del>10,400,000</del> | 0  | 0         | 0                     | 0                 | <del>10,400,000</del> | <del>10,400,000</del> | 0        |
| 0                     | 0  | 0         | <del>10,400,000</del> |                   |                       |                       |          |
| <u>12,100,000</u>     |  |           |                       |                   | <u>12,100,000</u>     | <u>12,100,000</u>     |          |
|                       |  |           | <u>12,100,000</u>     |                   |                       |                       |          |
| d.                    | School Facility Reimbursement (Restricted/Biennial)            |           |                       |                   |                       |                       |          |
| <del>4,250,000</del>  | 0  | 0         | 0                     | 0                 | <del>4,250,000</del>  | <del>4,360,000</del>  | 0        |
| 0                     | 0  | 0         | <del>4,360,000</del>  |                   |                       |                       |          |
| <u>8,270,735</u>      |  |           |                       |                   | <u>8,270,735</u>      | <u>8,411,293</u>      |          |
|                       |  |           | <u>8,411,293</u>      |                   |                       |                       |          |
| e.                    | Instate Treatment (Biennial)                                   |           |                       |                   |                       |                       |          |
| 974,896               | 0  | 0         | 0                     | 0                 | 974,896               | 974,896               | 0        |
| 0                     | 0  | 0         | 974,896               |                   |                       |                       |          |
| f.                    | Secondary Vocational Education (Biennial)                      |           |                       |                   |                       |                       |          |
| 715,000               | 0  | 0         | 0                     | 0                 | 715,000               | 715,000               | 0        |
| 0                     | 0  | 0         | 715,000               |                   |                       |                       |          |
| g.                    | Adult Basic Education (Biennial)                               |           |                       |                   |                       |                       |          |
| 275,000               | 0  | 0         | 0                     | 0                 | 275,000               | 275,000               | 0        |
| 0                     | 0  | 0         | 275,000               |                   |                       |                       |          |
| h.                    | Gifted and Talented (Biennial)                                 |           |                       |                   |                       |                       |          |
| 150,000               | 0  | 0         | 0                     | 0                 | 150,000               | 150,000               | 0        |
| 0                     | 0  | 0         | 150,000               |                   |                       |                       |          |
| i.                    | School Food (Biennial)   |           |                       |                   |                       |                       |          |
| 648,653               | 0  | 0         | 0                     | 0                 | 648,653               | 648,653               | 0        |
| 0                     | 0  | 0         | 648,653               |                   |                       |                       |          |
| j.                    | School District Audits (Biennial)                              |           |                       |                   |                       |                       |          |
| 143,475               | 0  | 0         | 0                     | 0                 | 143,475               | 147,775               | 0        |
| 0                     | 0  | 0         | 147,775               |                   |                       |                       |          |
| k.                    | Traffic Safety Distribution                                    |           |                       |                   |                       |                       |          |
| 0                     | 750,000  | 0         | 0                     | 0                 | 750,000               | 0                     | 750,000  |
| 0                     | 0  | 0         | 750,000               |                   |                       |                       |          |
| l.                    | Community Service Grant Program (Biennial)                     |           |                       |                   |                       |                       |          |
| 0                     | 0  | 250,000   | 0                     | 0                 | 250,000               | 0                     | 0        |
| 250,000               | 0  | 0         | 250,000               |                   |                       |                       |          |
| m.                    | Reading First (Biennial)                                       |           |                       |                   |                       |                       |          |
| 0                     | 0  | 2,890,000 | 0                     | 0                 | 2,890,000             | 0                     | 0        |
| 2,975,000             | 0  | 0         | 2,975,000             |                   |                       |                       |          |
| n.                    | REI/Rural Low-Income Schools (Biennial)                        |           |                       |                   |                       |                       |          |
| 0                     | 0  | 458,056   | 0                     | 0                 | 458,056               | 0                     | 0        |
| 458,056               | 0  | 0         | 458,056               |                   |                       |                       |          |
| o.                    | Title IV -- 21st Century Community Learning Centers (Biennial) |           |                       |                   |                       |                       |          |
| 0                     | 0  | 2,800,000 | 0                     | 0                 | 2,800,000             | 0                     | 0        |
| 2,800,000             | 0  | 0         | 2,800,000             |                   |                       |                       |          |
| p.                    | Character Education  |           |                       |                   |                       |                       |          |
| 0                     | 0  | 175,000   | 0                     | 0                 | 175,000               | 0                     | 0        |
| 175,000               | 0  | 0         | 175,000               |                   |                       |                       |          |
| q.                    | HB 124 County and District Block Grants (Restricted/Biennial)  |           |                       |                   |                       |                       |          |
| <del>65,704,139</del> | 0  | 0         | 0                     | 0                 | <del>65,704,139</del> | <del>66,203,493</del> | 0        |
| 0                     | 0  | 0         | <del>66,203,493</del> |                   |                       |                       |          |
| <u>49,458,959</u>     |  |           |                       |                   | <u>49,458,959</u>     | <u>49,834,848</u>     |          |
|                       |  |           | <u>49,834,848</u>     |                   |                       |                       |          |
| <u>R.</u>             | <u>FLEX FUND -- COAL TAX TRUST (BIENNIAL/OTO)</u>              |           |                       |                   |                       |                       |          |
| <u>0</u>              | <u>0</u>   | <u>0</u>  | <u>0</u>              | <u>15,000,000</u> | <u>15,000,000</u>     | <u>0</u>              | <u>0</u> |
| <u>0</u>              | <u>0</u>   | <u>0</u>  | <u>0</u>              |                   |                       |                       |          |
| <u>0</u>              | <u>0</u>   | <u>0</u>  | <u>0</u>              | <u>0</u>          | <u>0</u>              | <u>0</u>              | <u>0</u> |
| <u>0</u>              | <u>0</u>   | <u>0</u>  | <u>0</u>              |                   |                       |                       |          |

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|  |          |          |          |                  |                  |          |          |          |
|--|----------|----------|----------|------------------|------------------|----------|----------|----------|
| <u>S. TEACHER SIGNING BONUSES (RESTRICTED)</u>       |          |          |          |                  |                  |          |          |          |
| <u>0</u>   | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u>         | <u>0</u>         | <u>0</u> | <u>0</u> | <u>0</u> |
| <u>0</u>   | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u>         | <u>0</u>         | <u>0</u> | <u>0</u> | <u>0</u> |
| <u>S. FLEX FUND -- COAL TAX TRUST (BIENNIAL/OTO)</u> |          |          |          |                  |                  |          |          |          |
| <u>0</u>   | <u>0</u> | <u>0</u> | <u>0</u> | <u>5,000,000</u> | <u>5,000,000</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| <u>0</u>   | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u>         | <u>0</u>         | <u>0</u> | <u>0</u> | <u>0</u> |

  

|                    |         |             |                    |                   |                    |                    |         |  |
|--------------------|---------|-------------|--------------------|-------------------|--------------------|--------------------|---------|--|
| Total              |         |             |                    |                   |                    |                    |         |  |
| <u>512,500,122</u> | 943,565 | 133,585,214 | 0                  | 0                 | <u>647,028,901</u> | <u>505,395,188</u> | 944,373 |  |
| 144,606,180        | 0       | 0           | <u>650,945,741</u> |                   | <u>653,855,349</u> | <u>508,995,188</u> |         |  |
| <u>519,326,570</u> |         |             | <u>654,545,741</u> |                   | <u>652,205,670</u> | <u>510,500,190</u> |         |  |
| <u>517,676,891</u> |         |             | <u>656,050,743</u> |                   | <u>667,205,670</u> |                    |         |  |
|                    |         |             |                    | <u>15,000,000</u> | <u>667,205,670</u> |                    |         |  |
| <u>513,379,372</u> |         |             |                    | <u>5,000,000</u>  | <u>652,908,151</u> | <u>515,526,039</u> |         |  |
|                    |         |             | <u>661,076,592</u> |                   |                    |                    |         |  |

All federal funds are biennial appropriations.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$49,649 IN FISCAL YEAR 2004 AND \$49,649 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

All revenue received in the state traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5. This appropriation may not exceed \$1 million a year.

Item 2a includes a reduction in general fund money of \$5,176,769 in fiscal year 2004 and \$5,105,002 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 2A INCLUDES \$5,126,448 OF GENERAL FUND MONEY IN FISCAL YEAR 2004. THE DEPARTMENT MAY REALLOCATE THIS INCREASE IN FUNDING AMONG PROGRAMS WHEN DEVELOPING THE FISCAL YEAR 2004 OPERATING PLAN. IF HOUSE BILL NO. 750 IS NOT PASSED AND APPROVED, THEN ITEM 2A IS REDUCED BY \$5,126,448 OF GENERAL FUND MONEY IN FISCAL YEAR 2004.

IF A BILL IS NOT PASSED AND APPROVED THAT RAISES CIGARETTE TAX REVENUE BY AT LEAST \$5.3 MILLION DURING THE 2005 BIENNium, THEN FUNDING IN ITEM 2B IS REDUCED BY \$1.7 MILLION IN GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$3.6 MILLION IN GENERAL FUND MONEY IN FISCAL YEAR 2005.

IF SENATE BILL NO. 267 IS PASSED AND APPROVED IN A FORM THAT PROVIDES A MECHANISM FOR FUNDING TEACHER SIGNING BONUSES BY REQUIRING A REDUCTION IN GENERAL FUND MONEY FOR BASE AID BY THE AMOUNT OF DEPOSITS IN THE GUARANTEE ACCOUNT OVER THE PROJECTED LEVEL IN EACH PREVIOUS FISCAL YEAR, GENERAL FUND MONEY IN ITEM 2A IS REDUCED BY THE AMOUNT OF THE ADDITIONAL DEPOSITS, UP TO \$5 MILLION IN GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$5 MILLION IN GENERAL FUND MONEY IN FISCAL YEAR 2005, AND A LIKE AMOUNT IS APPROPRIATED EACH YEAR IN ITEM 2S FOR TEACHER SIGNING BONUSES.

The office of public instruction may distribute funds from the appropriation in item 2e to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs.

IF Senate Bill No. 323 is passed and approved in a form that permanently eliminates county retirement benefits for all federally salaried employees employed by school districts, excluding federally salaried employees whose salaries are paid from district school food funds, then the 1% across-the-board reduction for the office of public instruction is reduced each year of the biennium by \$3.5 million in general fund money.

THERE IS APPROPRIATED IN THE 2005 BIENNium IN ITEM 2R AN AMOUNT EQUAL TO ANY GRANTS DESIGNATED FOR SCHOOL DISTRICT STAFF RECRUITMENT, RETENTION, OR RETIREMENT INCENTIVES, UP TO \$5 MILLION.

ITEM 2R 2S IS APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL. THIS APPROPRIATION IS SUBJECT TO THE PROVISIONS OF [SECTION 8].

IF SENATE BILL NO. 424 IS NOT PASSED AND APPROVED, THEN THE FOLLOWING LINE ITEMS WILL BE REDUCED OR INCREASED BY THE FOLLOWING AMOUNTS: ITEM 2A. BASE AID (6,893,400) FISCAL YEAR 2004, (12,730,900) FISCAL YEAR 2005; ITEM 2B. SPECIAL EDUCATION (1,500,000) FISCAL YEAR 2005; ITEM 2C. TRANSPORTATION AID (1,700,000) FISCAL YEAR 2004, (1,700,000) FISCAL YEAR 2005; ITEM 2D. SCHOOL FACILITY REIMBURSEMENT (4,020,735) FISCAL YEAR 2004, (4,051,293) FISCAL YEAR 2005; AND ITEM 2Q. HB 124 COUNTY AND DISTRICT BLOCK GRANTS 16,245,180 FISCAL YEAR 2004, 16,368,645 FISCAL YEAR 2005.

BOARD OF PUBLIC EDUCATION (5101)

1. Administration (01)

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|    |   |         |   |                    |   |                    |                    |         |
|----|---|---------|---|--------------------|---|--------------------|--------------------|---------|
|    | <del>159,722</del>                      | 14,988  | 0 | 0                  | 0 | <del>174,710</del> | <del>159,941</del> | 14,837  |
|    | 0                                       | 0       | 0 | <del>174,778</del> |   |                    |                    |         |
|    | <u>161,358</u>                          |         |   |                    |   | <u>176,346</u>     | <u>161,557</u>     |         |
|    |   |         |   | <u>176,394</u>     |   |                    |                    |         |
|    | <u>159,647</u>                          |         |   |                    |   | <u>174,635</u>     | <u>159,846</u>     |         |
|    |   |         |   | <u>174,683</u>     |   |                    |                    |         |
| a. | Legislative Audit (Restricted/Biennial) |         |   |                    |   |                    |                    |         |
|    | 2,271                                   | 0       | 0 | 0                  | 0 | 2,271              | 0                  | 0       |
|    | 0                                       | 0       | 0 | 0                  |   |                    |                    |         |
| 2. | Advisory Council (03)                   |         |   |                    |   |                    |                    |         |
|    | 0                                       | 168,343 | 0 | 0                  | 0 | 168,343            | 0                  | 172,015 |
|    | 0                                       | 0       | 0 | 172,015            |   |                    |                    |         |
| a. | Legislative Audit (Restricted/Biennial) |         |   |                    |   |                    |                    |         |
|    | 0                                       | 1,672   | 0 | 0                  | 0 | 1,672              | 0                  | 0       |
|    | 0                                       | 0       | 0 | 0                  |   |                    |                    |         |

|       |                    |         |   |                    |   |                    |                    |         |
|-------|--------------------|---------|---|--------------------|---|--------------------|--------------------|---------|
| Total | <del>161,993</del> | 185,003 | 0 | 0                  | 0 | <del>346,996</del> | <del>159,941</del> | 186,852 |
|       | 0                  | 0       | 0 | <del>346,793</del> |   |                    |                    |         |
|       | <u>163,629</u>     |         |   |                    |   | <u>348,632</u>     | <u>161,557</u>     |         |
|       |                    |         |   | <u>348,409</u>     |   |                    |                    |         |
|       | <u>161,918</u>     |         |   |                    |   | <u>346,921</u>     | <u>159,846</u>     |         |
|       |                    |         |   | <u>346,698</u>     |   |                    |                    |         |

~~Item 1 includes a reduction in general fund money of \$1,636 in fiscal year 2004 and \$1,616 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.~~

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$1,711 IN FISCAL YEAR 2004 AND \$1,711 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

SCHOOL FOR THE DEAF AND BLIND (5113)

|    |  |          |          |                      |          |                      |                      |          |
|----|--|----------|----------|----------------------|----------|----------------------|----------------------|----------|
| 1. | Administration Program (01)                                    |          |          |                      |          |                      |                      |          |
|    | <del>308,760</del>   | 581      | 0        | 0                    | 0        | <del>309,341</del>   | <del>308,823</del>   | 987      |
|    | 0  | 0        | 0        | <del>309,810</del>   |          |                      |                      |          |
|    | <u>246,892</u>   |          |          |                      |          | <u>247,473</u>       | <u>246,955</u>       |          |
|    |  |          |          | <u>247,942</u>       |          |                      |                      |          |
| a. | Legislative Audit (Restricted/Biennial)                        |          |          |                      |          |                      |                      |          |
|    | 24,974   | 0        | 0        | 0                    | 0        | 24,974               | 0                    | 0        |
|    | 0  | 0        | 0        | 0                    |          |                      |                      |          |
| 2. | General Services Program (02)                                  |          |          |                      |          |                      |                      |          |
|    | 348,876  | 0        | 0        | 0                    | 0        | 348,876              | 348,542              | 0        |
|    | 0  | 0        | 0        | 348,542              |          |                      |                      |          |
| 3. | Student Services (03)  |          |          |                      |          |                      |                      |          |
|    | 1,004,239  | 0        | 27,752   | 0                    | 0        | 1,031,991            | 1,012,210            | 0        |
|    | 27,752   | 0        | 0        | 1,039,962            |          |                      |                      |          |
| 4. | Education (04)   |          |          |                      |          |                      |                      |          |
|    | <del>1,810,952</del>   | 341,095  | 68,944   | 0                    | 0        | <del>2,220,991</del> | <del>1,812,271</del> | 341,095  |
|    | 68,944   | 0        | 0        | <del>2,222,310</del> |          |                      |                      |          |
|    | <u>1,789,288</u>   |          |          |                      |          | <u>2,199,327</u>     | <u>1,790,446</u>     |          |
|    |  |          |          | <u>2,200,485</u>     |          |                      |                      |          |
| A. | <u>MONTANA TELECOMMUNICATIONS ACCESS PROGRAM FUNDING (OTO)</u> |          |          |                      |          |                      |                      |          |
|    | <u>56,995</u>  | <u>0</u> | <u>0</u> | <u>0</u>             | <u>0</u> | <u>56,995</u>        | <u>56,995</u>        | <u>0</u> |
|    | <u>0</u>   | <u>0</u> | <u>0</u> | <u>56,995</u>        |          |                      |                      |          |

Total



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|------------------|---------|--------|------------------|---|------------------|------------------|---------|
| 3,497,801        | 341,676 | 96,696 | 0                | 0 | 3,936,173        | 3,481,846        | 342,082 |
| 96,696           | 0       | 0      | 3,920,624        |   |                  |                  |         |
| <u>3,533,132</u> |         |        |                  |   | <u>3,971,504</u> | <u>3,517,016</u> |         |
|                  |         |        | <u>3,955,794</u> |   |                  |                  |         |
| <u>3,471,264</u> |         |        |                  |   | <u>3,909,636</u> | <u>3,455,148</u> |         |
|                  |         |        | <u>3,893,926</u> |   |                  |                  |         |

Item 4 includes a reduction in general fund money of \$35,331 in fiscal year 2004 and \$35,170 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$61,868 IN FISCAL YEAR 2004 AND \$61,868 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

MONTANA ARTS COUNCIL (5114)

1. Promotion of the Arts (01)

|  |         |         |                  |   |                  |                |         |
|--|---------|---------|------------------|---|------------------|----------------|---------|
| 259,396                                    | 158,100 | 599,116 | 0                | 0 | 1,016,612        | 277,798        | 153,223 |
| 599,086                                    | 0       | 0       | 1,030,107        |   |                  |                |         |
| <u>284,745</u>                             |         |         |                  |   | <u>1,041,961</u> | <u>304,313</u> |         |
|  |         |         | <u>1,056,622</u> |   |                  |                |         |
| <u>319,745</u>                             |         |         |                  |   | <u>1,076,961</u> | <u>339,313</u> |         |
|  |         |         | <u>1,091,622</u> |   |                  |                |         |
| <u>267,719</u>                             |         |         |                  |   | <u>1,024,935</u> | <u>287,287</u> |         |
|  |         |         | <u>1,039,596</u> |   |                  |                |         |
| a. Legislative Audit (Restricted/Biennial) |         |         |                  |   |                  |                |         |
| 18,402                                     | 0       | 0       | 0                | 0 | 18,402           | 0              | 0       |
| 0  | 0       | 0       | 0                |   |                  |                |         |

Total

|                |         |         |                  |   |                  |                |         |
|----------------|---------|---------|------------------|---|------------------|----------------|---------|
| 277,798        | 158,100 | 599,116 | 0                | 0 | 1,035,014        | 277,798        | 153,223 |
| 599,086        | 0       | 0       | 1,030,107        |   |                  |                |         |
| <u>303,147</u> |         |         |                  |   | <u>1,060,363</u> | <u>304,313</u> |         |
|                |         |         | <u>1,056,622</u> |   |                  |                |         |
| <u>338,147</u> |         |         |                  |   | <u>1,095,363</u> | <u>339,313</u> |         |
|                |         |         | <u>1,091,622</u> |   |                  |                |         |
| <u>286,121</u> |         |         |                  |   | <u>1,043,337</u> | <u>287,287</u> |         |
|                |         |         | <u>1,039,596</u> |   |                  |                |         |

Item 1 includes a reduction in general fund money of \$2,806 in fiscal year 2004 and \$2,806 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$2,026 IN FISCAL YEAR 2004 AND \$2,026 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

All federal funds in item 1 are biennial appropriations.

IF LEGISLATION IS NOT PASSED IN A MANNER AUTHORIZING THE PAYMENT OF ADMINISTRATIVE COSTS FROM THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 90-3-1002, THE GENERAL FUND MONEY IN ITEM 1 IS REDUCED BY ~~\$22,543~~ ~~\$57,543~~ \$7,543 IN FISCAL YEAR 2004 AND BY ~~\$23,709~~ ~~\$58,709~~ \$8,709 IN FISCAL YEAR 2005.

MONTANA STATE LIBRARY COMMISSION (5115)

1. Statewide Library Resources (01)

|  |         |           |                  |   |                  |                  |         |
|--|---------|-----------|------------------|---|------------------|------------------|---------|
| 1,566,082                                  | 869,815 | 1,230,694 | 0                | 0 | 3,666,591        | 1,581,855        | 865,700 |
| 780,694                                    | 0       | 0         | 3,228,249        |   |                  |                  |         |
| <u>1,582,060</u>                           |         |           |                  |   | <u>3,682,569</u> | <u>1,597,833</u> |         |
|  |         |           | <u>3,244,227</u> |   |                  |                  |         |
| <u>1,571,120</u>                           |         |           |                  |   | <u>3,671,629</u> | <u>1,586,893</u> |         |
|  |         |           | <u>3,233,287</u> |   |                  |                  |         |
| a. Legislative Audit (Restricted/Biennial) |         |           |                  |   |                  |                  |         |

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| 15,773  | 0                 | 0                  | 0            | 0            | 15,773             | 0            | 0            |
| 0   | 0                 | 0                  | 0            |              |                    |              |              |
| b. <del>Legislative Contract Authority (Biennial)</del> |                   |                    |              |              |                    |              |              |
| <del>0</del>  | <del>25,000</del> | <del>475,000</del> | <del>0</del> | <del>0</del> | <del>500,000</del> | <del>0</del> | <del>0</del> |
| <del>0</del>  | <del>0</del>      | <del>0</del>       | <del>0</del> | <del>0</del> | <del>0</del>       | <del>0</del> | <del>0</del> |
| <del>0</del>  | <del>0</del>      | <del>0</del>       | <del>0</del> | <del>0</del> | <del>0</del>       | <del>0</del> | <del>0</del> |
| <del>0</del>  | <del>0</del>      | <del>0</del>       | <del>0</del> | <del>0</del> | <del>0</del>       | <del>0</del> | <del>0</del> |

|                  |                |                  |                  |   |                  |                  |         |
|------------------|----------------|------------------|------------------|---|------------------|------------------|---------|
| Total            |                |                  |                  |   |                  |                  |         |
| 1,581,855        | 894,815        | 1,705,694        | 0                | 0 | 4,182,364        | 1,581,855        | 865,700 |
| 780,694          | 0              | 0                | 3,228,249        |   |                  |                  |         |
| <u>1,597,833</u> | <u>869,815</u> | <u>1,230,694</u> |                  |   | <u>3,698,342</u> | <u>1,597,833</u> |         |
|                  |                |                  | <u>3,244,227</u> |   |                  |                  |         |
| 1,586,893        |                |                  |                  |   | 3,687,402        | 1,586,893        |         |
|                  |                |                  | 3,233,287        |   |                  |                  |         |

Item 1 includes a reduction in general fund money of \$15,978 in fiscal year 2004 and \$15,978 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee.

Item 1 includes biennial appropriations of \$251,138 in general fund money and \$850,000 in federal funds for grants to local libraries.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$10,940 IN FISCAL YEAR 2004 AND \$10,940 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION.

If ~~HB~~ HOUSE BILL NO. 177 is not passed and approved, item 1 is increased by \$151,351 of state special revenue in fiscal year 2004 and \$155,124 of state special revenue authority in fiscal year 2005.

Item 1b includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions:

— (1) Legislative contract authority applies only to state special revenue funds received from the Montana university system, federal funds, and private funds.

— (2) Legislative contract authority expenditures must be reported on the state accounting system. The records must be separate from present law operations. In preparing the 2007 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

— (3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

— (4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract received by the Montana state library.

THE STATE LIBRARY COMMISSION IS TO REPORT SEMIANNUALLY ON NATURAL RESOURCE INFORMATION SYSTEM ACTIVITIES AND EXPENDITURES TO THE LEGISLATIVE FINANCE COMMITTEE DURING THE 2003-04 INTERIM. THE REPORT IS TO INCLUDE THE FOLLOWING:

(1) A LISTING OF CURRENT PROJECTS WITH THE RELATED PROJECT SCOPE AND FUNDING AMOUNTS;

(2) A LISTING OF ACTIVE CONTRACTS, EACH CONTRACT'S PURPOSE, WHOM THE CONTRACT IS WITH, AND THE FUNDING AMOUNTS; AND

(3) CATEGORIES AND TYPES OF DATA COLLECTED.

MONTANA HISTORICAL SOCIETY (5117)

|    |                             |   |        |                    |   |                  |                |
|----|-----------------------------|---|--------|--------------------|---|------------------|----------------|
| 1. | Administration Program (01) |   |        |                    |   |                  |                |
|    | <del>834,409</del>          | 184,531                                 | 94,000 | <del>101,682</del> | 0 | 1,214,622        | 848,129        |
|    | 94,000                      | 101,726                                 | 0      | 1,228,793          |   |                  | 184,938        |
|    | <u>851,923</u>              |   |        |                    |   | <u>1,232,136</u> | <u>865,502</u> |
|    |                             |   |        | <u>1,246,166</u>   |   |                  |                |
|    | 827,263                     |   |        | 61,682             |   | 1,167,476        | 840,842        |
|    |                             | 61,726                                  |        | 1,181,506          |   |                  |                |
|    | a.                          | Legislative Audit (Restricted/Biennial) |        |                    |   |                  |                |
|    | 28,917                      | 0                                       | 0      | 0                  | 0 | 28,917           | 0              |
|    | 0                           | 0                                       | 0      | 0                  |   |                  | 0              |
| 2. | Library Program (02)        |   |        |                    |   |                  |                |
|    | 597,072                     | 2,819                                   | 0      | 56,199             | 0 | 656,090          | 597,010        |
|    |                             |   |        |                    |   |                  | 2,824          |

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|    |                                    |         |         |         |   |         |         |         |
|----|------------------------------------|---------|---------|---------|---|---------|---------|---------|
|    | 0                                  | 56,242  | 0       | 656,076 |   |         |         |         |
| 3. | Museum Program (03)                |         |         |         |   |         |         |         |
|    | 181,401                            | 352,983 | 0       | 6,700   | 0 | 541,084 | 181,694 | 356,554 |
|    | 0                                  | 6,712   | 0       | 544,960 |   |         |         |         |
| 4. | Publications (04)                  |         |         |         |   |         |         |         |
|    | 46,752                             | 0       | 0       | 731,504 | 0 | 778,256 | 46,752  | 0       |
|    | 0                                  | 734,501 | 0       | 781,253 |   |         |         |         |
| 5. | Historic Preservation Program (06) |         |         |         |   |         |         |         |
|    | 45,303                             | 0       | 646,557 | 0       | 0 | 691,860 | 46,339  | 0       |
|    | 647,402                            | 0       | 0       | 693,741 |   |         |         |         |

|       |                      |                    |         |                      |   |                  |                      |         |
|-------|----------------------|--------------------|---------|----------------------|---|------------------|----------------------|---------|
| Total |                      |                    |         |                      |   |                  |                      |         |
|       | <del>1,733,854</del> | 540,333            | 740,557 | <del>896,085</del>   | 0 | 3,910,829        | <del>1,719,924</del> | 544,316 |
|       | 741,402              | <del>899,181</del> | 0       | <del>3,904,823</del> |   |                  |                      |         |
|       | <u>1,751,368</u>     |                    |         |                      |   | <u>3,928,343</u> | <u>1,737,297</u>     |         |
|       |                      |                    |         | <u>3,922,196</u>     |   |                  |                      |         |
|       | <u>1,726,708</u>     |                    |         | <u>856,085</u>       |   | <u>3,863,683</u> | <u>1,712,637</u>     |         |
|       |                      | <u>859,181</u>     |         | <u>3,857,536</u>     |   |                  |                      |         |

Item 1 includes a reduction in general fund money of \$17,514 in fiscal year 2004 and \$17,373 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The agency may reallocate this reduction in funding among programs when developing 2005 biennium operating plans.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$24,660 IN FISCAL YEAR 2004 AND \$24,660 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIUM OPERATING PLANS.

It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$617,008 in fiscal year 2004 and \$621,017 in fiscal year 2005 for the Montana historical society. This is to be expended as follows:

|  |           |           |
|--|-----------|-----------|
| Historical Interpretation                  | \$196,857 | \$193,627 |
| Scriver Collection                         | 120,151   | 127,390   |
| Lewis and Clark Exhibit and Interpretation | 100,000   | 100,000   |
| Lewis and Clark Bicentennial Commission    | 200,000   | 200,000   |

The first three uses of lodging taxes are budgeted in items 1 and 3. The \$200,000 each fiscal year of the biennium for the Lewis and Clark bicentennial commission is a language appropriation.

MONTANA UNIVERSITY SYSTEM, INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES (5100)

|    |   |          |          |                      |          |                      |                      |          |
|----|---|----------|----------|----------------------|----------|----------------------|----------------------|----------|
| 1. | OCHE -- Administration (01)   |          |          |                      |          |                      |                      |          |
|    | <del>1,308,629</del>  | 0        | 0        | 0                    | 0        | <del>1,308,629</del> | <del>1,320,545</del> | 0        |
|    | 0   | 0        | 0        | <del>1,320,545</del> |          |                      |                      |          |
|    | <u>1,318,093</u>  |          |          |                      |          | <u>1,318,093</u>     |                      |          |
|    | <u>1,295,553</u>  |          |          |                      |          | <u>1,295,553</u>     | <u>1,298,005</u>     |          |
|    |   |          |          | <u>1,298,005</u>     |          |                      |                      |          |
| a. | Legislative Audit (Restricted/Biennial)                                 |          |          |                      |          |                      |                      |          |
|    | <del>38,381</del>   | 0        | 0        | 0                    | 0        | <del>38,381</del>    | 0                    | 0        |
|    | 0   | 0        | 0        | 0                    |          |                      |                      |          |
|    | <u>28,917</u>   |          |          |                      |          | <u>28,917</u>        |                      |          |
| 2. | OCHE -- Student Assistance (02)   |          |          |                      |          |                      |                      |          |
|    | 8,637,879   | 0        | 188,985  | 0                    | 0        | 8,826,864            | 8,892,816            | 0        |
|    | 188,985   | 0        | 0        | 9,081,801            |          |                      |                      |          |
|    | <u>825,000</u>  | <u>0</u> | <u>0</u> | <u>0</u>             | <u>0</u> | <u>825,000</u>       | <u>825,000</u>       | <u>0</u> |
|    | <u>0</u>  | <u>0</u> | <u>0</u> | <u>825,000</u>       |          |                      |                      |          |
|    | <u>0</u>  | <u>0</u> | <u>0</u> | <u>0</u>             | <u>0</u> | <u>0</u>             | <u>0</u>             | <u>0</u> |
|    | <u>0</u>  | <u>0</u> | <u>0</u> | <u>0</u>             |          |                      |                      |          |
| 3. | OCHE -- Dwight D. Eisenhower Mathematics and Science Education Act (03) |          |          |                      |          |                      |                      |          |

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|----|--|--|--------------|--------------------|--------------------|--------------------|--------------------|--------------|
|    | 0  | 0  | 308,033      | 0                  | 0                  | 308,033            | 0                  | 0            |
|    | 308,033  | 0  | 0            | 308,033            |                    |                    |                    |              |
| 4. | OCHE -- Community College Assistance (04) (Biennial) |  |              |                    |                    |                    |                    |              |
|    | 5,755,140  | 0  | 0            | 0                  | 0                  | 5,755,140          | 5,783,759          | 0            |
|    | 0  | 0  | 0            | 5,783,759          |                    |                    |                    |              |
|    | <u>6,205,140</u>                                     |  |              |                    |                    | <u>6,205,140</u>   | <u>6,233,759</u>   |              |
|    |  |  |              | <u>6,233,759</u>   |                    |                    |                    |              |
|    | a.   | Legislative Audit (Restricted/Biennial)  |              |                    |                    |                    |                    |              |
|    | 28,620   | 0  | 0            | 0                  | 0                  | 28,620             | 0                  | 0            |
|    | 0  | 0  | 0            | 0                  |                    |                    |                    |              |
|    | <del>B.</del>  | <del>COMMUNITY COLLEGES -- CONTINGENT APPROPRIATION (BIENNIAL)</del>           |              |                    |                    |                    |                    |              |
|    | <del>450,000</del>                                   | <del>0</del>   | <del>0</del> | <del>0</del>       | <del>0</del>       | <del>450,000</del> | <del>450,000</del> | <del>0</del> |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>450,000</del> |                    |                    |                    |              |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>0</del>       | <del>0</del>       | <del>0</del>       | <del>0</del>       | <del>0</del> |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>0</del>       |                    |                    |                    |              |
|    | <del>B.</del>  | <del>STATE SUPPORT PER RESIDENT STUDENT -- COAL TAX TRUST (BIENNIAL/OTO)</del> |              |                    |                    |                    |                    |              |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>0</del>       | <del>706,000</del> | <del>706,000</del> | <del>0</del>       | <del>0</del> |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>0</del>       |                    |                    |                    |              |
|    | <del>C.</del>  | <del>PHILIPSBURG COMMUNITY COLLEGE GRANT APPLICATION (RESTRICTED/OTO)</del>    |              |                    |                    |                    |                    |              |
|    | <del>10,000</del>                                    | <del>0</del>   | <del>0</del> | <del>0</del>       | <del>0</del>       | <del>10,000</del>  | <del>0</del>       | <del>0</del> |
|    | <del>0</del>   | <del>0</del>   | <del>0</del> | <del>0</del>       |                    |                    |                    |              |
| 5. | OCHE -- Talent Search (06)                           |  |              |                    |                    |                    |                    |              |
|    | 92,348   | 0  | 2,459,019    | 0                  | 0                  | 2,551,367          | 92,228             | 0            |
|    | 2,458,887  | 0  | 0            | 2,551,115          |                    |                    |                    |              |
| 6. | OCHE -- C.D. Perkins Administration (08)             |  |              |                    |                    |                    |                    |              |
|    | 74,299   | 0  | 6,812,119    | 0                  | 0                  | 6,886,418          | 74,299             | 0            |
|    | 6,812,607  | 0  | 0            | 6,886,906          |                    |                    |                    |              |
| 7. | OCHE -- Appropriation Distribution Transfers (09)    |  |              |                    |                    |                    |                    |              |
|    | 98,363,306   | 12,435,000   | 0            | 0                  | 0                  | 110,798,306        | 98,598,585         | 12,562,999   |
|    | 0  | 0  | 0            | 111,161,584        |                    |                    |                    |              |
|    | <u>102,518,826</u>                                   |  |              |                    |                    | <u>114,953,826</u> | <u>102,637,745</u> |              |
|    |  |  |              | <u>115,200,744</u> |                    |                    |                    |              |
|    | <u>99,700,805</u>                                    |  |              |                    |                    | <u>112,135,805</u> | <u>99,937,398</u>  |              |
|    |  |  |              | <u>112,500,397</u> |                    |                    |                    |              |
|    | <u>99,602,555</u>                                    |  |              |                    |                    | <u>112,037,555</u> | <u>99,839,148</u>  |              |
|    |  |  |              | <u>112,402,147</u> |                    |                    |                    |              |
|    | a.   | Legislative Audit (Restricted/Biennial)  |              |                    |                    |                    |                    |              |
|    | 236,594  | 0  | 0            | 0                  | 0                  | 236,594            | 0                  | 0            |
|    | 0  | 0  | 0            | 0                  |                    |                    |                    |              |
|    | b.   | Agricultural Experiment Station  |              |                    |                    |                    |                    |              |
|    | 9,980,299  | 0  | 0            | 0                  | 0                  | 9,980,299          | 9,980,299          | 0            |
|    | 0  | 0  | 0            | 9,980,299          |                    |                    |                    |              |
|    | <u>11,030,299</u>                                    |  |              |                    |                    | <u>11,030,299</u>  | <u>11,030,299</u>  |              |
|    |  |  |              | <u>11,030,299</u>  |                    |                    |                    |              |
|    | <u>9,980,299</u>                                     |  |              |                    |                    | <u>9,980,299</u>   | <u>9,980,299</u>   |              |
|    |  |  |              | <u>9,980,299</u>   |                    |                    |                    |              |
|    | c.   | Institute for Biobased Products and Food Science                               |              |                    |                    |                    |                    |              |
|    | 200,000  | 0  | 0            | 0                  | 0                  | 200,000            | 200,000            | 0            |
|    | 0  | 0  | 0            | 200,000            |                    |                    |                    |              |
|    | d.   | Extension Service  |              |                    |                    |                    |                    |              |
|    | 4,338,100  | 0  | 0            | 0                  | 0                  | 4,338,100          | 4,338,100          | 0            |
|    | 0  | 0  | 0            | 4,338,100          |                    |                    |                    |              |
|    | <u>4,663,100</u>                                     |  |              |                    |                    | <u>4,663,100</u>   | <u>4,663,100</u>   |              |
|    |  |  |              | <u>4,663,100</u>   |                    |                    |                    |              |
|    | <u>4,338,100</u>                                     |  |              |                    |                    | <u>4,338,100</u>   | <u>4,338,100</u>   |              |

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|----------------------|---|--------------|----------------------|----------------------|----------------------|----------------------|--------------|--|
| <u>4,338,100</u>     |   |              |                      |                      |                      |                      |              |  |
| e.                   | Montana Beef Network (Restricted/Biennial)  |              |                      |                      |                      |                      |              |  |
| 90,000               | 0   | 0            | 0                    | 0                    | 90,000               | 90,000               | 0            |  |
| 0                    | 0   | 0            | 90,000               |                      |                      |                      |              |  |
| f.                   | Forestry and Conservation Experiment Station  |              |                      |                      |                      |                      |              |  |
| 919,661              | 0   | 0            | 0                    | 0                    | 919,661              | 919,661              | 0            |  |
| 0                    | 0   | 0            | 919,661              |                      |                      |                      |              |  |
| g.                   | Bureau of Mines and Geology   |              |                      |                      |                      |                      |              |  |
| 1,570,646            | 666,000   | 0            | 0                    | 0                    | 2,236,646            | 1,570,646            | 666,000      |  |
| 0                    | 0   | 0            | 2,236,646            |                      |                      |                      |              |  |
| h.                   | Fire Services Training School   |              |                      |                      |                      |                      |              |  |
| 507,637              | 0   | 0            | 0                    | 0                    | 507,637              | 507,637              | 0            |  |
| 0                    | 0   | 0            | 507,637              |                      |                      |                      |              |  |
| <u>556,637</u>       |   |              |                      |                      | <u>556,637</u>       |                      |              |  |
| <u>507,637</u>       |   |              |                      |                      | <u>507,637</u>       |                      |              |  |
| I.                   | FIRE SERVICES TRAINING SCHOOL MOVING EXPENSES (BIENNIAL/OTO)                                  |              |                      |                      |                      |                      |              |  |
| 49,000               | 0   | 0            | 0                    | 0                    | 49,000               | 0                    | 0            |  |
| 0                    | 0   | 0            | 0                    |                      |                      |                      |              |  |
| i.j.                 | Dental Hygiene Program (Restricted/Biennial)  |              |                      |                      |                      |                      |              |  |
| 235,000              | 0   | 0            | 0                    | 0                    | 235,000              | 235,000              | 0            |  |
| 0                    | 0   | 0            | 235,000              |                      |                      |                      |              |  |
| <del>j.</del>        | <del>EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH -- STATE MATCH (RESTRICTED)</del> |              |                      |                      |                      |                      |              |  |
| <del>1,250,000</del> | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>1,250,000</del> | <del>1,250,000</del> | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>1,250,000</del> |                      |                      |                      |              |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         |                      |                      |                      |              |  |
| <del>k.</del>        | <del>LIFE SAFETY, CODE COMPLIANCE, AND DISABILITY ACCESS (RESTRICTED)</del>                   |              |                      |                      |                      |                      |              |  |
| <del>450,000</del>   | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>450,000</del>   | <del>450,000</del>   | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>450,000</del>   |                      |                      |                      |              |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         |                      |                      |                      |              |  |
| K.                   | ADDITIONAL GENERAL FUND -- SB 407 CONTINGENCY (BIENNIAL)                                      |              |                      |                      |                      |                      |              |  |
| 5,500,000            | 0   | 0            | 0                    | 0                    | 5,500,000            | 0                    | 0            |  |
| 0                    | 0   | 0            | 0                    |                      |                      |                      |              |  |
| <del>L.</del>        | <del>EPSCOR -- COAL TAX TRUST (BIENNIAL/OTO)</del>  |              |                      |                      |                      |                      |              |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>7,000,000</del> | <del>7,000,000</del> | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         |                      |                      |                      |              |  |
| <del>M.</del>        | <del>UNSPECIFIED INCREASE IN FUNDING (BIENNIAL)</del>   |              |                      |                      |                      |                      |              |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>5,000,000</del> | <del>5,000,000</del> | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del>         | <del>0</del> |  |
| <del>0</del>         | <del>0</del>  | <del>0</del> | <del>0</del>         |                      |                      |                      |              |  |
| L.                   | YELLOW BAY -- WATER QUALITY MONITORING -- FLATHEAD BASIN (RESTRICTED/BIENNIAL/OTO)            |              |                      |                      |                      |                      |              |  |
| 85,000               | 0   | 0            | 0                    | 0                    | 85,000               | 85,000               | 0            |  |
| 0                    | 0   | 0            | 85,000               |                      |                      |                      |              |  |
| M.                   | ROCKY MOUNTAIN AGILE VIRTUAL ENTERPRISE PROGRAM (BIENNIAL/OTO)                                |              |                      |                      |                      |                      |              |  |
| 150,000              | 0   | 0            | 0                    | 0                    | 150,000              | 150,000              | 0            |  |
| 0                    | 0   | 0            | 150,000              |                      |                      |                      |              |  |
| N.                   | STATE SUPPORT PER RESIDENT STUDENT -- COAL TAX TRUST (BIENNIAL/OTO)                           |              |                      |                      |                      |                      |              |  |
| 0                    | 0   | 0            | 0                    | 8,178,400            | 8,178,400            | 0                    | 0            |  |
| 0                    | 0   | 0            | 0                    |                      |                      |                      |              |  |
| 8.                   | Tribal College Assistance Program (11) (Biennial)   |              |                      |                      |                      |                      |              |  |
| 96,500               | 0   | 0            | 0                    | 0                    | 96,500               | 0                    | 0            |  |

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|-----|--|---|------------|------------|---|------------|--------|---|
|     | 0  | 0 | 0          | 0          |   |            |        |   |
| 9.  | OCHE -- Guaranteed Student Loan (12)       |   |            |            |   |            |        |   |
|     | 0  | 0 | 32,247,756 | 0          | 0 | 32,247,756 | 0      | 0 |
|     | 35,249,226                                 | 0 | 0          | 35,249,226 |   |            |        |   |
|     | a. Legislative Audit (Restricted/Biennial) |   |            |            |   |            |        |   |
|     | 0  | 0 | 4,732      | 0          | 0 | 4,732      | 0      | 0 |
|     | 4,732                                      | 0 | 0          | 4,732      |   |            |        |   |
| 10. | OCHE -- Board of Regents (13)              |   |            |            |   |            |        |   |
|     | 51,889                                     | 0 | 0          | 0          | 0 | 51,889     | 51,889 | 0 |
|     | 0  | 0 | 0          | 51,889     |   |            |        |   |

|       |                        |            |            |                        |   |                        |                        |            |
|-------|------------------------|------------|------------|------------------------|---|------------------------|------------------------|------------|
| Total |                        |            |            |                        |   |                        |                        |            |
|       | <del>132,524,928</del> | 13,101,000 | 42,020,644 | 0                      | 0 | <del>187,646,572</del> | <del>132,655,464</del> | 13,228,999 |
|       | 45,022,470             | 0          | 0          | <del>190,906,933</del> |   |                        |                        |            |
|       | <del>141,079,448</del> |            |            |                        |   | <del>196,201,092</del> | <del>141,044,624</del> |            |
|       |                        |            |            | <del>199,296,093</del> |   |                        |                        |            |
|       | <del>139,411,427</del> |            |            |                        |   | <del>194,533,071</del> | <del>133,994,277</del> |            |
|       |                        |            |            | <del>192,245,746</del> |   |                        |                        |            |
|       |                        |            |            | <del>12,000,000</del>  |   | <del>206,533,071</del> |                        |            |
|       | <del>139,985,637</del> |            |            | <del>8,884,400</del>   |   | <del>203,991,681</del> | <del>134,558,487</del> |            |
|       |                        |            |            | 192,809,956            |   |                        |                        |            |

University system unit is defined in 17-7-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in House Bill No. 5, relating to long-range building and current unrestricted operating funds) are appropriated contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure information and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

ITEM 1 INCLUDES A REDUCTION IN GENERAL FUND MONEY OF \$22,540 IN FISCAL YEAR 2004 AND \$22,540 IN FISCAL YEAR 2005 FOR THE STATEWIDE FTE REDUCTION. THE AGENCY MAY ALLOCATE THIS REDUCTION IN FUNDING AMONG PROGRAMS WHEN DEVELOPING 2005 BIENNIAL OPERATING PLANS.

GENERAL FUND MONEY AND STATE AND FEDERAL SPECIAL REVENUE FUNDS APPROPRIATED TO THE BOARD OF REGENTS ARE INCLUDED IN ITEMS 1 THROUGH 10. ALL OTHER PUBLIC FUNDS RECEIVED BY UNITS OF THE MONTANA UNIVERSITY SYSTEM (OTHER THAN PLANT FUNDS APPROPRIATED IN HOUSE BILL NO. 5, RELATING TO LONG-RANGE BUILDING) ARE APPROPRIATED TO THE BOARD OF REGENTS AND MAY BE EXPENDED UNDER THE PROVISIONS OF 17-7-138(2). THE BOARD OF REGENTS SHALL ALLOCATE THE APPROPRIATIONS TO INDIVIDUAL UNIVERSITY SYSTEM UNITS, AS DEFINED IN 17-7-102(13), ACCORDING TO BOARD POLICY.

Items 1 through 3, 5 through 7a, 7k, 9, and 10 are a single biennial lump-sum appropriation.

ALL IN ADDITION TO THE REQUIREMENTS IN 17-1-102(4), ALL university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the standards of accounting and reporting, as described by the national association of college and university business officers, as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, except for information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g. The Montana university system shall provide the electronic data required for human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Total audit costs of the office of the commissioner of higher education are estimated to be ~~\$38,381~~ \$28,917.

ITEM 2A IS CONTINGENT UPON THE RECEIPT OF ANY UNENCUMBERED FEDERAL MONEY GRANTED FOR GENERAL FISCAL RELIEF THAT COMES INTO THE STATE THROUGH THE END OF THE 2005 BIENNIAL.

The budget amount for each full-time equivalent student at the community colleges, including Summitnet, is \$5,706 each year of the 2005 biennium, before pay plan, if any. The general fund appropriation in item 4 provides ~~43%~~ 46% of the budget amount

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for each full-time equivalent student each year of the 2005 biennium. The remaining ~~57%~~ 54% of the budget amount for each full-time equivalent student must be paid from funds other than those appropriated in items 4 and 4a.

Total Summitnet costs are estimated to be \$25,000 each year for the community colleges. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

Total audit costs are estimated to be \$54,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in the 2005 biennium. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$16,000 each for Dawson and Miles community colleges and \$22,000 for Flathead Valley community college.

~~ITEM 4B IS CONTINGENT UPON PASSAGE AND APPROVAL OF ANY ONE OF THE FOLLOWING BILLS:~~

~~(1) HOUSE BILL NO. 750 IN A FORM THAT ALLOCATES AT LEAST \$900,000 TO THE COMMUNITY COLLEGES IN THE 2005 BIENNIAL YEAR;~~

~~(2) HOUSE BILL NO. 476;~~

~~(3) SENATE BILL NO. 407; OR~~

~~(4) LC 1931.~~

Revenue anticipated to be received by the Montana university system units and colleges of technology includes:

- (1) interest earnings of \$1,460,000 each year of the 2005 biennium; and
- (2) other revenue of \$1,183,000 each year of the 2005 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in item 7.

The legislature acknowledges that tuition rates are determined by the board of regents and that tuition revenue is considered private revenue and therefore not subject to legislative appropriation.

Item 7 includes \$986,620 for the 2005 biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$157,100 in fiscal year 2004 and \$135,100 in fiscal year 2005; Montana tech of the university of Montana, \$28,000; Montana state university-northern, \$87,800 in fiscal year 2004 and \$83,800 in fiscal year 2005; Montana state university-Bozeman \$58,000; Montana state university-Billings, \$161,500; and western Montana college of the university of Montana, \$12,410.

Item 7 includes a total of \$44,253 of general fund money for the 2005 biennium for the Montana natural resource information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2005 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

~~Item 7 includes a reduction in general fund money of \$1,337,499 in fiscal year 2004 and \$1,338,813 in fiscal year 2005. This reduction is the equivalent of a 1% reduction in 2005 biennium general fund money as recommended by the joint appropriations subcommittee. The board of regents may reallocate this reduction in funding among university system units, as defined in 17-7-102(13), when developing 2005 biennium operating plans.~~

~~ITEM 7 INCLUDES \$4,155,520 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$4,039,160 OF GENERAL FUND MONEY IN FISCAL YEAR 2005. THE BOARD OF REGENTS MAY REALLOCATE THIS INCREASE IN FUNDING AMONG UNIVERSITY UNITS, AS DEFINED IN 17-7-102(13), WHEN DEVELOPING 2005 BIENNIAL OPERATING PLANS. IF HOUSE BILL NO. 750 IS NOT PASSED AND APPROVED, THEN ITEM 7 IS REDUCED BY \$4,155,520 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND BY \$4,039,160 OF GENERAL FUND MONEY IN FISCAL YEAR 2005.~~

Total audit costs are estimated to be \$473,188 for the university system, other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 7a.

Revenue anticipated to be received by the agricultural experiment station includes:

- (1) interest earnings and other revenue of \$184,472 each year of the 2005 biennium;
- (2) federal revenue of \$2,022,075 in fiscal year 2004 and \$2,022,078 in fiscal year 2005; and
- (3) sales revenue of \$939,881 in fiscal year 2004 and \$939,881 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7b.

~~ITEM 7B INCLUDES \$1,050,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$1,050,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2005 AND IS CONTINGENT UPON THE RECEIPT OF ANY UNENCUMBERED FEDERAL MONEY GRANTED FOR GENERAL FISCAL RELIEF THAT COMES INTO THE STATE THROUGH THE END OF THE 2005 BIENNIAL YEAR.~~

The general fund money in item 7c is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of nonstate money each year of the 2005 biennium for the purpose of supporting the institute for biobased products and food science.

Revenue anticipated to be received by the extension service includes:

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- (1) interest earnings of \$20,606 each year of the 2005 biennium; and  
(2) federal revenue of \$2,490,698 in fiscal year 2004 and \$2,485,644 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item

7d.

~~ITEM 7D INCLUDES \$325,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2004 AND \$325,000 OF GENERAL FUND MONEY IN FISCAL YEAR 2005 AND IS CONTINGENT UPON THE RECEIPT OF ANY UNENCUMBERED FEDERAL MONEY GRANTED FOR GENERAL FISCAL RELIEF THAT COMES INTO THE STATE THROUGH THE END OF THE 2005 BIENNium.~~

Item 7e is a biennial, restricted appropriation for one staff person and for expenses for the Montana beef network within the extension service.

Anticipated interest revenue of \$4,858 in each year of the 2005 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 7f.

Anticipated sales revenue of \$29,157 each year of the 2005 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7g.

Anticipated interest revenue of \$1,545 each year of the 2005 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.

~~ITEM 7I IS CONTINGENT UPON THE RECEIPT OF ANY UNENCUMBERED FEDERAL MONEY GRANTED FOR GENERAL FISCAL RELIEF THAT COMES INTO THE STATE THROUGH THE END OF THE 2005 BIENNium.~~

~~ITEM 7K IS CONTINGENT UPON THE RECEIPT OF ANY UNENCUMBERED FEDERAL MONEY GRANTED FOR GENERAL FISCAL RELIEF THAT COMES INTO THE STATE THROUGH THE END OF THE 2005 BIENNium.~~

ITEM 7K IS CONTINGENT UPON PASSAGE AND APPROVAL OF SENATE BILL No. 407.

~~ITEMS 7L AND 7M 4B AND 7N ARE APPROPRIATED FROM THE COAL SEVERANCE TAX PERMANENT FUND PRINCIPAL. THESE APPROPRIATIONS ARE SUBJECT TO THE PROVISIONS OF [SECTION 8].~~

~~THE GENERAL FUND MONEY IN ITEM 7L IS APPROPRIATED WITH THE CONDITION THAT THE FUNDS BE USED BY THE YELLOW BAY BIOLOGICAL STATION TO MONITOR WATER QUALITY IN THE FLATHEAD BASIN.~~

TOTAL SECTION E

|                    |                   |                    |                    |                   |                    |                    |            |
|--------------------|-------------------|--------------------|--------------------|-------------------|--------------------|--------------------|------------|
| 652,278,351        | 16,164,492        | 178,747,921        | 896,085            | 0                 | 848,086,849        | 645,272,016        | 16,265,545 |
| 191,846,528        | 899,181           | 0                  | 854,283,270        |                   |                    |                    |            |
| <u>667,659,319</u> |                   |                    |                    |                   | <u>863,467,817</u> | <u>657,261,176</u> |            |
|                    |                   |                    | <u>866,272,430</u> |                   |                    |                    |            |
| <u>664,437,427</u> | <u>16,139,492</u> | <u>178,272,921</u> |                    |                   | <u>859,745,925</u> | <u>651,812,483</u> |            |
|                    |                   |                    | <u>860,823,737</u> |                   |                    |                    |            |
| <u>664,472,427</u> |                   |                    |                    | <u>27,000,000</u> | <u>886,780,925</u> | <u>651,847,483</u> |            |
|                    |                   |                    | <u>860,858,737</u> |                   |                    |                    |            |
| <u>660,597,913</u> |                   |                    | 856,085            | <u>13,884,400</u> | <u>869,750,811</u> | <u>657,286,337</u> |            |
|                    | <u>859,181</u>    |                    | <u>866,257,591</u> |                   |                    |                    |            |

TOTAL STATE FUNDING

|                          |                       |                      |                          |                   |                      |                      |                    |
|--------------------------|-----------------------|----------------------|--------------------------|-------------------|----------------------|----------------------|--------------------|
| 1,141,454,496            | 513,591,555           | 1,428,865,647        | 13,150,640               | 511,542           | 3,097,573,880        | 1,134,375,307        | 482,765,172        |
| <del>1,502,277,288</del> | <del>11,912,664</del> | <del>518,369</del>   | <del>3,131,848,800</del> |                   |                      |                      |                    |
| <u>1,163,944,738</u>     | <u>513,726,555</u>    |                      |                          |                   | <u>3,120,199,122</u> | <u>1,154,901,864</u> | <u>482,740,172</u> |
|                          |                       |                      | <u>3,152,350,357</u>     |                   |                      |                      |                    |
| <u>1,163,439,392</u>     | <u>503,354,491</u>    | <u>1,445,401,873</u> | <u>13,218,746</u>        | <u>25,511,542</u> | <u>3,150,926,044</u> | <u>1,151,639,128</u> | <u>465,629,721</u> |
| <u>1,510,602,783</u>     | <u>11,980,770</u>     |                      | <u>3,140,370,771</u>     |                   |                      |                      |                    |
| <u>1,163,119,333</u>     | <u>497,033,523</u>    |                      |                          | <u>89,076,946</u> | <u>3,207,850,421</u> | <u>1,152,433,794</u> | <u>457,152,930</u> |
|                          |                       | <u>16,687,418</u>    | <u>3,148,857,695</u>     |                   |                      |                      |                    |
| <u>1,156,542,669</u>     | <u>507,606,776</u>    | <u>1,451,030,810</u> | <u>13,178,746</u>        | <u>24,395,942</u> | <u>3,152,754,943</u> | <u>1,153,179,343</u> | <u>468,980,623</u> |
| <u>1,519,927,717</u>     | <u>11,940,770</u>     | <u>518,369</u>       | <u>3,154,546,822</u>     |                   |                      |                      |                    |

**Section Rates.** Internal service fund type fees and charges established by the legislature for the 2005 biennium in compliance with 17-7-123(1)(f)(ii) are as follows:

Fiscal Year 2004      Fiscal Year 2005



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**DEPARTMENT OF TRANSPORTATION -- 5401**

1. State Motor Pool

|                                 |         |         |
|---------------------------------|---------|---------|
| a. Class 02 (small utilities)   |         |         |
| per hour assigned               | \$2.040 | \$2.211 |
| per mile operated               | \$0.098 | \$0.098 |
| b. Class 04 (large utilities)   |         |         |
| per hour assigned               | \$2.251 | \$2.469 |
| per mile operated               | \$0.099 | \$0.099 |
| c. Class 06 (mid-size compacts) |         |         |
| per hour assigned               | \$1.370 | \$1.516 |
| per mile operated               | \$0.067 | \$0.067 |
| d. Class 07 (small pickups)     |         |         |
| per hour assigned               | \$1.123 | \$1.243 |
| per mile operated               | \$0.110 | \$0.110 |
| e. Class 11 (large pickups)     |         |         |
| per hour assigned               | \$1.284 | \$1.451 |
| per mile operated               | \$0.123 | \$0.123 |
| f. Class 12 (vans -- all type)  |         |         |
| per hour assigned               | \$1.372 | \$1.476 |
| per mile operated               | \$0.134 | \$0.134 |

2. Equipment Program

|                              |                                |  |
|------------------------------|--------------------------------|--|
| b. All of program operations | 60-day working capital reserve |  |
|------------------------------|--------------------------------|--|

**DEPARTMENT OF REVENUE -- 5801**

1. Customer Service Center

|                                      |       |       |
|--------------------------------------|-------|-------|
| a. Delinquent Account Collection Fee |       |       |
| (percent of amount collected)        | 10.0% | 10.0% |

**DEPARTMENT OF ADMINISTRATION -- 6101**

1. Administration and Financial Services Division

|                                   |                |                |
|-----------------------------------|----------------|----------------|
| a. Legal Services Unit            |                |                |
| Teachers' Retirement              | \$20,071       | \$20,071       |
| Personnel Division                | \$21,504       | \$21,504       |
| Risk Management & Tort Defense    | \$1,434        | \$1,434        |
| General Services                  | \$5,018        | \$5,018        |
| Architecture & Engineering        | \$15,770       | \$15,770       |
| Information Services              | \$19,354       | \$19,354       |
| Consumer Affairs                  | \$35,841       | \$35,841       |
| Banking Division                  | \$8,602        | \$8,602        |
| Lottery                           | \$14,336       | \$14,336       |
| Local Government Services         | \$7,168        | \$7,168        |
| b. Management Services Unit       |                |                |
| Administrative Financial Services | \$53,239       | \$53,290       |
| Architecture & Engineering        | \$8,792        | \$8,788        |
| General Services                  | \$78,474       | \$78,451       |
| Information Services              | \$237,023      | \$236,913      |
| Personnel Division                | \$21,165       | \$21,157       |
| Risk Management & Tort Defense    | \$39,534       | \$39,517       |
| Banking Division                  | \$28,612       | \$28,636       |
| Lottery                           | \$29,397       | \$29,384       |
| State Tax Appeal Board            | \$4,250        | \$4,254        |
| Appellate Defender                | \$2,733        | \$2,736        |
| <u>MONTANA CONSENSUS COUNCIL</u>  | <u>\$3,920</u> | <u>\$3,924</u> |
| c. Network Support Unit           |                |                |
| Support per computer              | \$690          | \$688          |
| d. Warrant Writer Program         |                |                |

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|  |              |                                |   |   |
|--|--------------|--------------------------------|---|---|
| Mailer Warrants  | \$0.58624    | \$0.58017                      |   |   |
| Non-Mailer Warrants  | \$0.17803    | \$0.17195                      |   |   |
| Duplicate Warrants   | \$5.63949    | \$5.63768                      |   |   |
| External Warrants  | \$0.15523    | \$0.14915                      |   |   |
| Emergency Warrants   | \$4.26759    | \$4.26588                      |   |   |
| e. Human Resources Unit  |              |                                |   |   |
| Teachers' Retirement   | \$5,278      | \$5,299                        |   |   |
| Public Employees' Retirement   | \$10,062     | \$10,101                       |   |   |
| Administrative Financial Services  | \$9,568      | \$9,605                        |   |   |
| Architecture & Engineering   | \$5,608      | \$5,630                        |   |   |
| General Services   | \$27,525     | \$27,633                       |   |   |
| Banking Division   | \$8,247      | \$8,280                        |   |   |
| Lottery Division   | \$10,556     | \$10,598                       |   |   |
| Risk Management & Tort Defense   | \$5,278      | \$5,299                        |   |   |
| Information Technology Services Div  | \$29,690     | \$29,806                       |   |   |
| Personnel Division   | \$6,928      | \$6,955                        |   |   |
| <u>MONTANA CONSENSUS COUNCIL</u>   | <u>\$660</u> | <u>\$662</u>                   |   |   |
| 2. General Services Division   |              |                                |   |   |
| a. Facilities Management Bureau  |              |                                |   |   |
| Office rent (\$ per sq. ft.)   | \$5.988      | \$6.22                         |   |   |
| Storage rent (\$ per sq. ft.9)   | \$2.27       | \$2.29                         |   |   |
| In-house project management (% of cost)  |              | 1                              | 5 | % |
| 15%  |              |                                |   |   |
| Contracted project management (% of cost)                                      |              | 5                              |   | % |
| 5%   |              |                                |   |   |
| b. Mail Services Section   |              |                                |   |   |
| Interagency mail (total amount allocated to agencies)                          | \$134,012    | \$134,012                      |   |   |
| All other operations except interagency mail                                   |              | 60-day working capital reserve |   |   |
| c. Print Services Section  |              | 60-day working capital reserve |   |   |
| d. Central Stores Program  |              |                                |   |   |
| All of program operations  |              | 60-day working capital reserve |   |   |
| e. Statewide Fueling Network Program   |              |                                |   |   |
| All of program operations  |              | 45-day working capital reserve |   |   |
| f. State Procurement Card Program  |              |                                |   |   |
| Monthly card fee (per card per month)  | \$1.00       | \$1.00                         |   |   |
| 3. Information Technology Services Division                                    |              |                                |   |   |
| Data Network Fee (per connected terminal per month)                            | \$72.60      | \$72.60                        |   |   |
| All other operations except data network                                       |              | 45-day working capital reserve |   |   |
| 4. State Personnel Division  |              |                                |   |   |
| a. Professional Development Center   |              |                                |   |   |
| Training Services  | \$128.12     | \$125.59                       |   |   |
| b. Payroll Processing  |              |                                |   |   |
| State Payroll Unit   | \$435,310    | \$461,614                      |   |   |
| c. State Recruitment Advertising   |              |                                |   |   |
| Administrative Fee (per FTE per year)  | \$12         | \$12                           |   |   |
| 5. Risk Management & Tort Defense  |              |                                |   |   |
| a. General liability (total allocation to agencies)                            | \$10,566,132 | \$11,205,485                   |   |   |
| b. Auto liability, comprehensive, and collision (total allocation to agencies) | \$1,072,901  | \$1,084,370                    |   |   |
| c. Aviation (total allocation to agencies)                                     | \$165,728    | \$165,822                      |   |   |
| d. Property/Miscellaneous (total allocation to agencies)                       | \$2,965,254  | \$2,997,090                    |   |   |

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**DEPARTMENT OF FISH, WILDLIFE, & PARKS -- 5201**

|  |                |                 |
|--|----------------|-----------------|
| 1. Administration and Finance (% markup)           |                |                 |
| a. Warehouse Overhead                              | 5%             | 5%              |
| 2. Vehicle Account Rates Per Mile                  |                |                 |
| a. Sedans  | \$0.28         | \$0.31          |
| b. Vans  | \$0.29         | \$0.32          |
| c. Utilities                                       | \$0.36         | \$0.38          |
| d. Grounds Maintenance                             | \$0.95         | \$1.00          |
| e. Pickup 1/2 Ton                                  | \$0.35         | \$0.36          |
| f. Pickup 3/4 Ton                                  | \$0.36         | \$0.36          |
| 3. Aircraft Per Hour Rates                         |                |                 |
| a. 2 Place Single Engine                           | \$ 56.72       | \$ 56.72        |
| b. Partnavia                                       | \$283.60       | \$297.78        |
| c. Turbine Helicopters                             | \$345.72       | \$345.72        |
| 4. Duplicating – Number of Copies (includes paper) |                |                 |
| a. 1-20  | \$0.045        | \$0.050         |
| b. 21-100  | \$0.030        | \$0.035         |
| c. 101-1000  | \$0.025        | \$0.030         |
| d. 1001-5000                                       | \$0.020        | \$0.025         |
| e. Color - per sheet                               | \$0.25         | \$0.25          |
| 5. Bindery   |                |                 |
| a. Collating (per sheet)                           | \$0.005        | \$0.005         |
| b. Hand Stapling (per set)                         | \$0.015        | \$0.015         |
| c. Saddle stitch (per set)                         | \$0.030        | \$0.030         |
| d. Folding (per sheet)                             | \$0.005        | \$0.005         |
| e. Punching (per sheet)                            | \$0.001        | \$0.001         |
| f. Cutting (per minute)                            | \$0.550        | \$0.550         |
| 6. Parks – Capitol Grounds Maintenance             | \$0.3696/sq.ft | \$0.3696/sq.ft. |

**DEPARTMENT OF ENVIRONMENTAL QUALITY -- 5301**

|                                       |     |     |
|---------------------------------------|-----|-----|
| 1. Central Management                 |     |     |
| a. Expenses Against Personal Services | 23% | 23% |

**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION -- 5706**

|                           |          |          |
|---------------------------|----------|----------|
| 1. Air Operations Program |          |          |
| a. Bell UH-1H             | \$875.00 | \$875.00 |
| b. Bell Jet Ranger        | \$375.00 | \$375.00 |
| c. Cessna 180 series      | \$ 95.00 | \$ 95.00 |

**DEPARTMENT OF COMMERCE – 6501**

|  |             |             |
|--|-------------|-------------|
| 1. Board of Investments  |             |             |
| For the purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows: |             |             |
| a. Administration Charge (total)   | \$2,915,000 | \$2,920,000 |

|   |     |     |
|---|-----|-----|
| 2. Director’s Office/Management Services    |     |     |
| a. Management Services Indirect Charge Rate | 15% | 15% |

**DEPARTMENT OF JUSTICE – 4110**

|                          |         |         |
|--------------------------|---------|---------|
| 1. Agency Legal Services |         |         |
| a. Attorney (per hour)   | \$71.80 | \$71.80 |
| b. Paralegal (per hour)  | \$39.80 | \$39.80 |

**DEPARTMENT OF CORRECTIONS - 6401**

|   |             |             |
|---|-------------|-------------|
| 1. Secure Facilities  |             |             |
| a. Cook/chill rate to Montana State Prison                  | \$1.37/meal | \$1.37/meal |
| b. Cook/chill rate to Riverside Youth Correctional Facility | \$2.01/meal | \$2.01/meal |
| c. Cook/chill rate to WATCH DUI Unit                        | \$1.59/meal | \$1.59/meal |
| d. Cook/chill rate to Helena Prerelease                     | \$2.01/meal | \$2.01/meal |
| 2. Montana Correctional Enterprises                         |             |             |

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|   |            |            |
|---|------------|------------|
| a. Laundry rate to Montana State Prison                           | \$0.39/lb. | \$0.39/lb. |
| b. Laundry rate to Treasure State<br>Correctional Training Center | \$0.39/lb. | \$0.39/lb. |
| c. Laundry rate to Montana State Hospital                         | \$0.38/lb. | \$0.38/lb. |
| d. Laundry rate to Montana<br>Developmental Center                | \$0.46/lb. | \$0.46/lb. |
| e. Laundry rate to Riverside<br>Youth Correctional Facility       | \$0.46/lb. | \$0.46/lb. |

**DEPARTMENT OF LABOR AND INDUSTRY – 6602**

1. Centralized Services Division
  - a. Cost Allocation Plan 10% 12%
2. Business Standards Division
  - a. House Bill No. 2 Programs Recharge Rate 48% 48%

**OFFICE OF PUBLIC INSTRUCTION - 3501**

1. OPI INDIRECT-COST POOL 17% 17%

**MONTANA UNIVERSITY SYSTEM - 5100**

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis.

For the House:  
Lewis, Chairman  
Pattison

For the Senate:  
Zook, Chairman  
Keenan

**FREE CONFERENCE COMMITTEE**  
**on House Bill 13**  
Report No. 2, April 26, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 13** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25 through line 28.  
**Strike:** subsection (d) in its entirety  
**Renumber:** subsequent subsections

2. Page 2, line 30.  
**Strike:** "45"  
**Insert:** "25"

3. Page 3, line 2.  
**Strike:** "(1)(G)"  
**Insert:** "(1)(f)"

4. Page 3, line 7.

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**Following:** "~~(2)~~"

**Insert:** "(2)"

5. Page 3, line 20 through line 23.

**Strike:** subsection (iii) in its entirety

**Renumber:** subsequent subsection

6. Page 3, line 27.

**Strike:** "2-18-315(3)"

**Insert:** "2-18-313(2)"

**Strike:** "(3)(A)(IV)"

**Insert:** "(3)(a)(iii)"

7. Page 9, line 24 through page 10, line 12.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

8. Page 10, line 19 through page 11, line 1.

**Strike:** line 19 on page 10 through line 1 on page 11 in their entirety

**Insert:**

|    |        |        |         |
|----|--------|--------|---------|
| "1 | 27,649 | 28,462 | 29,300  |
|    | 30,163 | 31,052 | 31,969  |
| 2  | 28,462 | 29,300 | 30,163  |
|    | 31,052 | 31,969 | 32,913  |
| 3  | 29,300 | 30,163 | 31,052  |
|    | 31,969 | 32,913 | 33,885  |
| 4  | 30,163 | 31,052 | 31,969  |
|    | 32,913 | 33,885 | 34,886  |
| 5  | 31,052 | 31,969 | 32,913  |
|    | 33,885 | 34,886 | 35,916  |
| 6  | 31,969 | 32,913 | 33,885  |
|    | 34,886 | 35,916 | 36,979  |
| 7  | 32,913 | 33,885 | 34,886  |
|    | 35,916 | 36,979 | 38,072  |
| 8  | 33,885 | 34,886 | 35,916  |
|    | 36,979 | 38,072 | 39,199  |
| 9  | 34,886 | 35,916 | 36,979  |
|    | 38,072 | 39,199 | 40,360  |
| 10 | 35,916 | 36,979 | 38,072  |
|    | 39,199 | 40,360 | 41,555  |
| 11 | 36,979 | 38,072 | 39,199  |
|    | 40,360 | 41,555 | 42,786  |
| 12 | 38,072 | 39,199 | 40,360  |
|    | 41,555 | 42,786 | 44,052  |
| 13 | 39,199 | 40,360 | 41,555  |
|    | 42,786 | 44,052 | 45,359" |

9. Page 13, line 2 through line 20.

**Strike:** subsection (2) in its entirety

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**Renumber:** subsequent subsection

10. Page 13, line 26 through page 14, line 9.

**Strike:** line 26 on page 13 through line 9 on page 14 in their entirety

|                    |         |
|--------------------|---------|
| <b>Insert:</b> "B1 | 12.645  |
| B2                 | 13.045  |
| B3                 | 13.445  |
| B4                 | 13.845  |
| B5                 | 14.245  |
| B6                 | 14.645  |
| B7                 | 15.045  |
| B8                 | 15.445  |
| B9                 | 15.845  |
| B10                | 16.245  |
| B11                | 16.645  |
| B12                | 17.045  |
| B13                | 17.445  |
| B14                | 17.845" |

11. Page 15, line 23 through line 27.

**Strike:** lines 23 through 27 in their entirety

|                     |            |           |
|---------------------|------------|-----------|
| <b>Insert:</b>      |            |           |
| "Legislative Branch | 24,969     | 6,399     |
| 110,035             | 28,200     |           |
| Consumer Counsel    |            | 1,277     |
| 5,462               |            |           |
| Judicial Branch     | 85,726     | 12,247    |
| 330,568             | 47,224     |           |
| Executive Branch    | 1,042,381  | 1,926,519 |
| 4,474,666           | 8,248,297  |           |
| University System   | 1,087,384  | 1,182,729 |
| 2,883,488           | 3,136,320" |           |

12. Page 16, line 5 through page 22, line 18.

**Strike:** section 8 in its entirety

**Renumber:** subsequent section

For the House:For the Senate:

A. Olson, ChairmanZook, Chairman  
BarrettCooney  
KaufmannTash

Majority Leader Brown moved that the House recess until 3:25 p.m. for caucuses. Motion carried.

House recessed at 3:03 p.m.

House reconvened at 3:30 p.m. All members present. Quorum present.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bitney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 424 - Free Conference Committee Report No. 1** - Representative Andersen moved the Free Conference Committee report to **SB 424** be adopted.

Representative D. Brown moved for cloture. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lenhart, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Shockley moved for cloture. Motion (requiring a 2/3 vote) **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 64

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 35

Excused: None.

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Total 0

Absent or not voting: Rice.

Total 1

Motion that the Free Conference Committee report to **SB 424** be adopted carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Lake, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 485 - Free Conference Committee Report No. 1** - Representative Brueggeman moved the Free Conference Committee report to **SB 485** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Morgan, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Wagman, Wanzenried, Weiss, Wilson.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 13 - Conference Committee Report No. 2** - Representative Lewis moved the Conference Committee report to



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**HB 13** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Ballantyne, Balyeat, Bixby, Buzzas, Cohenour, Dowell, Everett, Fuchs, Gallus, Harris, Jayne, Juneau, Kasten, Keane, Lindeen, Maedje, Morgan, Sales, Sinrud, Smith, Wanzenried, Windy Boy.  
Total 22

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**HB 2 - Free Conference Committee Report No. 1** - Representative Lewis moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bitney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan,

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Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 42, as amended by the Governor**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallik, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 40

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

**HB 247, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross,

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Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 86

Noes: Barrett, Hawk, Jayne, Kasten, Lawson, Morgan, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Wagman, Younkin.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 424, as amended by the Senate, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Cohenour, Cyr, Fuchs, Keane.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 452, as amended by the Governor, passed as follows:**

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 91

Noes: D. Brown, Devlin, Jackson, Kasten, Malcolm, Sales, Sinrud, Waitschies, Mr. Speaker.

Total 9

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 744, as amended by the Governor**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Bergren, Dickenson, Franklin, Golie, Lindeen, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 484, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Ballantyne, Balyeat, Barrett, Everett, Fuchs, Jackson, Jayne, Kasten, Laszloffy, Morgan, Sales, Shockley, Sinrud.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 424, Free Conference Committee Report No. 1**, adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Ballantyne, Becker, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, B. Olson, Parker, Pattison, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 43

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 485, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Barrett, Bitney, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Lambert, Lange, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lindeen, Morgan, Musgrove, Newman, Parker, Raser, Sales, Shockley, Wanzenried, Wilson.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13, Conference Committee Report No. 2**, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

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Total 77

Noes: Ballantyne, Balyeat, Bixby, Buzzas, Cohenour, Dowell, Everett, Franklin, Gallus, Galvin-Halcro, Harris, Jayne, Juneau, Kasten, Keane, Lindeen, Maedje, Morgan, Sales, Sinrud, Smith, Wanzenried, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumph, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MESSAGES FROM THE SENATE**

**Free** Conference Committee Report No. 1 adopted:

4/26/2003

**HB 2**, introduced by Lewis

**SB 424**, introduced by Nelson

**SB 485**, introduced by Cobb

**Free** Conference Committee Report No. 2 adopted:

4/26/2003

**HB 13**, introduced by Lewis

**MOTIONS**

Representative R. Brown moved that the Speaker be authorized to appoint a committee of four to notify the Governor that the 58th Legislative Session of the House of Representatives is ready to adjourn sine die. Motion

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carried.

The Speaker appointed Representatives Bookout-Reinicke, Representative Bitney, Representative Gillan, Representative Smith.

Representative R. Brown moved that the Speaker be authorized to appoint a committee of four to notify the Senate that the 58th Legislative Session of the House of Representatives is ready to adjourn sine die. Motion carried.

The Speaker appointed Representatives Fuchs, Representative Balyeat, Representative Laslovich, Representative Golie.

The committees were discharged.

The House stood at ease awaiting the return of the committees.

**ANNOUNCEMENTS**

Sergeant-at-arms Clark escorted the committee who informed the Senate that the House had finished its business and was ready to adjourn Sine Die.

Representative Fuchs reported that the Senate had been informed that the House had finished its business and was ready to adjourn Sine Die.

Speaker Mood discharged the committee.

Sergeant-at-arms Clark escorted Senators Grimes and Pease into the House chambers. Senator Grimes informed the House that the Senate has finished its business and is ready to adjourn Sine Die.

Sergeant-at-arms Clark escorted the Senators from the House.

Sergeant-at-arms Clark escorted the committee who informed the Governor that the House had finished its business and was ready to adjourn Sine Die.

Representative Bookout-Reinicke reported that the Governor had been informed that the House had finished its business and was ready to adjourn Sine Die.

Speaker Mood discharged the committee.

Majority Leader R. Brown moved that the House adjourn Sine Die. Motion carried.

House adjourned at 7:18 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House